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TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS, VEGETABLES, AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

UNITED STATES STANDARDS FOR GRADES OF CANNED RED SOUR (TART) PITTED CHERRIES [1]

On April 27, 1949, a notice of proposed rule making was published in the FEDERAL REGISTER (14 F. R. 2068) regarding a proposed revision of the United States Standards for Grades of Canned Red Sour Pitted Cherries. After consideration of all relevant matters, the following revised United States Standards for Grades of Canned Red Sour (Tart) Pitted Cherries are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1949 (Pub. Law 712, 80th Cong., approved June 19, 1948):

§ 52.241 *Canned red sour (tart) pitted cherries.* "Canned red sour (tart) pitted cherries" means the canned product prepared from mature pitted cherries of the red sour varietal group (Prunus cerasus), as such product is defined in the standard of identity for canned cherries (21 CFR, Cum. Supp., 27.30; 13 F. R. 6377, 6969), issued pursuant to the Federal Food, Drug, and Cosmetic Act.

(a) *Grades of canned red sour (tart) pitted cherries.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of canned red sour (tart) pitted cherries that possess similar varietal characteristics; that possess a good, bright typical color; that are practically free from defects; that possess a good character; that possess a normal flavor; and that score not less than 85 points when scored in accordance with the scoring system outlined in this section. In addition to the foregoing requirements, such canned red sour (tart) pitted cherries may contain not more than 5 percent, by count, of cherries that are less than 9/16 inch in diameter.

(2) "U. S. Grade C" or "U. S. Standard" is the quality of canned red sour (tart) pitted cherries that possess similar varietal characteristics; that possess a fairly good typical color; that are fairly free from defects; that possess a fairly good character; that possess a normal flavor; and that score not less than 70 points when scored in accordance with the scoring system outlined in this section. There is no size requirement for such canned red sour (tart) pitted cherries.

(3) "U. S. Grade D" or "Substandard" is the quality of canned red sour (tart) pitted cherries that fail to meet any requirement of "U. S. Grade C" or "U. S. Standard."

(b) *Designations of liquid media and Brix measurements.* "Cut-out" requirements for packing media are not incorporated in the grades of the finished product since sirup or any other packing medium, as such, is not a factor of quality for the purpose of these grades. Canned red sour (tart) pitted cherries are packed in the optional packing media referred to in the aforesaid standard of identity for canned cherries and such packing media include, but are not limited to, the following, which have the indicated "cut-out" Brix measurement:

Designation of liquid media	*Brix measurement*
"Extra heavy sirup"	28° or more but less than 45°.
"Heavy sirup"	22° or more but less than 28°.
"Light sirup"	18° or more but less than 22°.
"Slightly sweetened water"	Less than 18°.
"Water" (water or any mixture of water and cherry juice).	

(c) *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that each container of canned red sour (tart) pitted cherries be filled as full as practicable without impairment of quality and that the product and packing me-

(Continued on p. 3391)

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

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A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

dium occupy not less than 90 percent of the total capacity of the container.

(d) *Recommended drained weight.* The drained weight recommendations in Table No. I of this section are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purpose of these grades. The drained weight of canned red sour (tart) pitted cherries is determined by emptying the contents of the container upon a circular sieve of proper diameter containing 8 meshes to the inch (0.097-inch square openings) and allowing to drain for two minutes. A sieve 8 inches in diameter is used for No. 3 size cans (404 x 414) and smaller, and a sieve 12 inches in diameter is used for containers larger than the No. 3 size can.

TABLE NO. I—RECOMMENDED DRAINED WEIGHTS

Container size or designation	Over-all dimensions		Packed in water	Packed in any sirup or "slightly sweetened water"
	Width	Height		
	Inches	*Inches*	*Ounces*	*Ounces*
No. 303	3 3/16	4 9/16	11	10 1/4
No. 2	3 7/16	4 9/16	13 1/2	12 3/4
No. 10	6 5/16	7	74	70 1/4

(e) *Ascertaining the grade.* (1) The grade of canned red sour (tart) pitted cherries is ascertained by considering, in addition to the requirements of the respective grade (including the requirement for size in U. S. Grade A or U. S. Fancy) the respective ratings of the factors of color, absence of defects, and character.

(2) The relative importance of each factor is expressed numerically on the scale of 100. The maximum number of points that may be given each factor is:

Factors	*Points*
(i) Color	20
(ii) Absence of defects	40
(iii) Character	40
Total score	100

(3) "Normal flavor" means that the flavor is characteristic of canned red sour (tart) pitted cherries and that the product is free from objectionable flavors of any kind.

(f) *Ascertaining the rating for each factor.* The essential variations within each factor are so described that the value may be ascertained for each factor and expressed numerically. The numerical range for the rating of each factor is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

(1) *Color.* (i) Canned red sour (tart) pitted cherries that possess a good, bright typical color may be given a score of 17 to 20 points. "Good, bright typical color" means that the canned red sour (tart) pitted cherries possess a practically uniform color that is bright and typical of canned red sour (tart) pitted cherries which had been properly prepared and properly processed from properly ripened red sour cherries.

(ii) If the canned red sour (tart) pitted cherries possess a fairly good typical color, a score of 14 to 16 points may be given. Canned red sour (tart) pitted cherries that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good typical color" means that the canned red sour (tart) pitted cherries possess a fairly uniform typical color of canned red sour (tart) pitted cherries which had been properly prepared and properly processed and which color may range from a brownish cast to mottled shades of brown.

(iii) Canned red sour (tart) pitted cherries that fail to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(2) *Absence of defects.* The factor of absence of defects refers to the degree of freedom from harmless extraneous material, pits, mutilated cherries, and cherries blemished by scab, hail injury, discoloration, scar tissue, or by other means.

(i) "Cherry" means a whole cherry, whether or not pitted, or portions of such cherries which in the aggregate approximate the average size of the cherries.

(ii) "Harmless extraneous material" means any vegetable substance (including, but not being limited to, a leaf or a stem, and any portions thereof) that is harmless.

(iii) "Pit" means a whole pit or portions of pits computed as follows:

(*a*) A single piece of pit shell, whether or not within or attached to a whole cherry, that is larger than one-half pit shell is considered as one pit;

(*b*) A single piece of pit shell, whether or not within or attached to a whole cherry, that is not larger than one-half pit shell is considered as one-half pit;

(*c*) Pieces of pit shell, within or attached to a whole cherry, when their combined size is larger than one-half pit shell are considered as one pit; and

(*d*) Pieces of pit shell, within or attached to a whole cherry, when their combined size is not larger than one-half pit shell are considered as one-half pit.

(iv) "Mutilated cherry" means a cherry that is so pitter-torn or damaged by other means that the entire pit cavity is exposed and the appearance of the cherry is seriously affected.

(v) "Blemished cherry" means any cherry the skin of which is blemished to the extent that the aggregate blemished area materially affects the appearance of the cherry. The term "blemished cherry" also means any cherry the flesh of which is materially discolored.

(vi) "Seriously blemished" means any cherry blemished to the extent that the appearance or eating quality is seriously affected.

(vii) Canned red sour (tart) pitted cherries that are practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that there may be present (*a*) not more than 1 piece of harmless extraneous material for each 60 ounces of net contents; (*b*) not more than 1 pit for each 20 ounces of net contents; and (*c*) not more than a total of 10 percent, by count, of cherries that are mutilated cherries and blemished cherries of which not more than 4 percent, by count, of all cherries are seriously blemished.

(viii) If the canned red sour (tart) pitted cherries are fairly free from defects, a score of 28 to 33 points may be given. Canned red sour (tart) pitted cherries that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that there may be present (*a*) not more than 1 piece of harmless extraneous material for each 20 ounces of net contents; (*b*) not more than 1 pit for each 20 ounces of net contents; and (*c*) not more than a total of 20 percent, by count, of cherries that are mutilated cherries and blemished cherries of which not more than 15 percent, by count, of all cherries are blemished.

(ix) Canned red sour (tart) pitted cherries that fail to meet the requirements of subdivision (viii) of this subparagraph for any reason may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(3) *Character.* The factor of character refers to the degree of maturity of the cherries and the physical characteristics of the flesh of the cherries in canned red sour (tart) pitted cherries.

(i) Canned red sour (tart) pitted cherries that possess a good character may be given a score of 34 to 40 points. "Good character" means that the canned red sour (tart) pitted cherries possess a firm, fleshly texture typical of canned red sour (tart) pitted cherries which had been properly prepared and properly processed from properly ripened red sour cherries.

(ii) If the canned red sour (tart) pitted cherries possess a fairly good character, a score of 28 to 33 points may be given. Canned red sour (tart) pitted cherries that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good character" means that the canned red sour (tart) pitted cherries possess a fairly firm or fairly fleshly texture but are not soft, tough, very thin-fleshed, or leathery in character.

(iii) Canned red sour (tart) pitted cherries that fail to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or substandard, regardless of the total score for the product (this is a limiting rule).

(g) *Tolerances for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of canned red sour (tart) pitted cherries, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(i) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, is within the range for the grade indicated;

(ii) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification, including the computation of pits based on a total quantity of sample contents of 24 pounds.

(h) *Score sheet for canned red sour (tart) pitted cherries.*

Size and kind of container		
Container mark or identification		
Label		
Net weight (ounces)		
Vacuum (inches)		
Drained weight (ounces)		
Sirup designation (extra heavy, heavy, etc.)		
Brix measurement		
Size [2]		
Factors	**Score points**	
I. Color	20	(A) 17-20 (C) [1] 14-16 (D) [1] 0-13
II. Absence of defects	40	(A) 34-40 (C) [1] 28-33 (D) [1] 0-27
III. Character	40	(A) 34-40 (C) [1] 28-33 (D) [1] 0-27
Total score	100	
Normal flavor		
Grade		

[1] Indicates limiting rule.
[2] See size limitation for U. S. Grade A or U. S. Fancy only.

(i) *Effective time and supersedure.* The revised United States Standards for Grades of Canned Red Sour (Tart) Pitted Cherries (which are the fifth issue) contained in this section shall become effective upon publication of these standards in the FEDERAL REGISTER and thereupon supersede the United States Standards for Grades of Canned Red Sour Pitted Cherries which have been in effect since July 15, 1941.

For the reasons hereinafter set forth it is hereby found and determined that good cause exists for making these revised Standards effective immediately upon publication in the FEDERAL REGISTER. Careful consideration has been given to the comments and suggestions received from interested parties with respect to these revised standards. It was urged that the existing standards be revised as set forth herein, and that the revised standards be made effective as soon as possible in order that they may serve as a basis for packing and selling the current cherry crop, harvesting of which will begin early in July. The nature and effect of these revised standards are well known to the industry and will require no preparation prior to their issuance. Accordingly, it is impractical and contrary to the public interest to postpone the effective date until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 6 U. S. C. 1001 et seq.).

(60 Stat. 1087; 7 U. S. C. 1621 et seq.; Pub. Law 712, 80th Cong., approved June 19, 1948)

Issued at Washington, D. C. this 20th day of June 1949.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 49-5038; Filed, June 22, 1949; 8:55 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and investment limits for the counties identified below are determined to be as herein set forth. The average values and investment limits heretofore established for said counties, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations (13 F. R. 9381), are hereby superseded by the average values and investment limits set forth below for said counties.

MARYLAND

County	Average value	Investment limit
Caroline	$12,000	$12,000
Frederick	15,000	12,000

(Sec. 41 (i), 60 Stat. 1066; 7 U. S. C. 1015 (i). Applies secs. 3 (a), 44 (b), 60 Stat. 1074, 1069; 7 U. S. C. 1003 (a), 1018 (b))

Issued this 17th day of June 1949.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 49-5011; Filed, June 22, 1949; 8:51 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

PART 206—TRUST POWERS OF NATIONAL BANKS

DISTRIBUTION OF ACCRUED INCOME OF COMMON TRUST FUNDS

The following interpretation under this part was issued by the Board of Governors of the Federal Reserve System on June 15, 1949.

§ 206.105 *Distribution of accrued income of common trust funds.* The Board has recently considered the question whether a bank operating a common trust fund may make advances to the fund for use in distributing accrued interest and declared dividends receivable on investments of the fund prior to the receipt of such income where such advances are made from a "general trust account" consisting of commingled uninvested funds of all trusts administered by the bank.

The Board has previously expressed the view that the use of uninvested cash in a common trust fund to distribute accrued interest and dividends receivable on investments of the fund prior to receipt is not inconsistent with this part, and has stated that it would not object if uninvested cash in a common trust fund were so used in reasonable amounts.

The situation is different, however, where the bank operating a common trust fund makes advances to the fund for this purpose. Subject to an exception which is not pertinent here, subdivision (iii) of subparagraph (4) of § 206.17 (a) provides as follows:

(iii) A bank administering a Common Trust Fund shall not have any interest in the assets held in such Common Trust Fund, other than in its capacity as fiduciary, * * *.

Where a bank operating a common trust fund advances its own funds to the common trust fund in order to distribute accrued but uncollected income of the fund, the bank relies upon the assets of the fund for reimbursement of its advances; and, in the Board's opinion, the bank acquires an interest in assets of the common trust fund which is pro-

hibited by the above-quoted provision of this part.

Where a bank advances uninvested trust funds held in a "general trust account" of the kind referred to above, it is the Board's opinion that, in view of the bank's liability to the trusts whose funds are advanced, the bank acquires an interest in assets of the common trust fund which does not differ, in substance, from the interest which would be acquired by advances of its own funds, and that, in any event, this practice is not permissible because it violates § 206.11 (c) which reads as follows:

(c) *Dealings between trust accounts.* A national bank acting as fiduciary shall not make any advance to any trust from the funds belonging to any other trust, except when the making of such advances to a designated trust is specifically authorized by the trust instrument covering the trust from which such advances are made.

(Sec. 11 (i), 38 Stat. 262; 12 U. S. C. 248 (i). Interpret or apply secs. 2–4, 24 Stat. 18, 19, sec. 1, 40 Stat. 1043, as amended, sec. 1, 44 Stat. 1225, as amended, sec. 11 (k), 38 Stat. 261, as amended, 53 Stat. 68, as amended; 12 U. S. C. 30–33, 34 (a), 248 (k), 26 U. S. C. 169)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 49–5001; Filed, June 22, 1949; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Supp. 7, Amdt. 2]

PART 60—AIR TRAFFIC RULES

DANGER AREAS

Under sections 205 and 601 of the Civil Aeronautics Act of 1938, as amended, and § 60.103 of the Civil Air Regulations, the Administrator of Civil Aeronautics is authorized to designate as a danger area any area within which he has determined that an invisible hazard to aircraft in flight exists, and no person may operate an aircraft within a danger area unless permission for such operation has been issued by appropriate authority. Such areas have been designated and published.

The following danger area alterations have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and should be adopted without delay, in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Acting pursuant to sections 205 and 601 of the Civil Aeronautics Act of 1938, as amended, and § 60.103 of the Civil Air Regulations, and in accordance with sections 3 and 4 of the Administrative Procedure Act, I hereby amend the Code of Federal Regulations, Title 14, Chapter I, Part 60, § 60.103–1, as follows:

ALABAMA

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
Following area is added				
Camp Rucker (Mobile Chart)	Beginning at lat. 31°31′00″ N, long. 85°53′40″ W; E to long. 85°42′30″ W; SSE to lat. 31°21′45″ N, long. 85°40′00″ W; E to long. 85°37′30″ W; SSE to lat. 31°20′00″ N, long. 85°37′00″ W; SW to lat. 31°19′15″ N, long. 85°38′45″ W; NW to lat. 31°21′00″ N, long. 85°42′10″ W; W to long. 85°53′40″ W; N to lat. 31°31′00″ N, long. 85°53′40″ W, point of beginning.	Surface to 30,000 feet	Continuous	Hdq, 3d Army, Fort McPherson, Ga.

CALIFORNIA

Following listings are amended		*Following listings are amended*	
Antioch	Listing is amended by changing "Using Agency" column to read: "12th Naval District, San Francisco, California."	Petaluma	Listing is amended by changing "Using Agency" column to read: "12th Naval District, San Francisco, California."
Carrizzo Valley	Listing is amended by changing "Using Agency" column to read: "11th Naval District, San Diego, California."	Point Reyes	Listing is amended by changing "Using Agency" column to read: "12th Naval District, San Francisco, California."
China Lake	Listing is amended by changing "Using Agency" column to read: "11th Naval District, San Diego, California."	San Miguel Island Off-shore, Calif.	Listing is amended by deleting from the "Time of Designation" column the words "VFR Conditions."
El Toro	Listing is amended by changing "Using Agency" column to read: "11th Naval District, San Diego, California."	Trona	Listing is amended by changing "Using Agency" column to read: "11th Naval District, San Diego, California."
Holtville	Listing is amended by changing "Using Agency" column to read: "11th Naval District, San Diego, California."		

DELAWARE

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
Following area is added				
Little Creek (Washington Chart).	Beginning at lat. 39°21′00′N, long. 75°25′30″ W; SE to lat. 39°15′00″ N, long. 75°21′00″ W; SW to lat. 39°10′00″ N, long. 75°25′00″ W; SW to lat. 39°09′30″ N, long. 75°26′00″ W; NW to lat. 39°17′00″ N, long. 75°32′00″ W; NE to lat. 39°21′00″ N, long. 75°25′30″ W, point of beginning.	Surface to 2,000 feet	Continuous from July 1 to Sept. 1, 1949.	Dover AFB, Dover, Del.

FLORIDA

Following areas are added				
Bostwick (Orlando Chart)	A circular area with a radius of 3 miles centered at lat. 29°47′00″ N, long. 81°41′00″ W.	Surface to 20,000 feet	Continuous	NAS, Jacksonville, Fla.
Chassahowitzka Bay (Orlando Chart).	Beginning at lat. 28°48′00″ N, long. 82°45′00″ W; due S to a point 3 nautical miles from the shoreline at lat. 28°40′15″ N; northwesterly paralleling the shoreline at a distance of 3 nautical miles to lat. 28°48′00″ N, long. 82°49′05″ W; due E to lat. 28°48′00″ N, long. 82°45′00″ W, point of beginning.	Surface to 50,000 feet	Daylight hours only	15th Air Force Units, MacDill AFB, Tampa, Fla.
Following listings are amended				
Miami	Listing is amended by changing "Designated Altitudes" column to read: "Surface to 20,000 feet".			
Pensacola	Listings 1, 2, and 3 are amended by changing "Designated Altitudes" column to read: "Surface to 12,000 feet".			
Following areas are added				
Pinecastle (Orlando Chart)	(1) A circular area having a radius of 4 miles centered at lat. 29°06′45″ N, long. 81°43′00″ W. (2) A circular area having a radius of 4 miles centered at lat. 29°09′30″ N, long. 81°42′00″ W.	Surface to 30,000 feet	Daylight hours only	14th Air Force, Orlando AFB, Orlando, Fla.

FLORIDA—Continued

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
Following areas are added				
Rainbow Point (Orlando Chart).	Beginning at lat. 28°33'00" N, long. 82°43'00" W; due S to lat. 28°23'00" N; due W to a point 3 nautical miles from the shoreline at long. 82°45'35" W; northerly paralleling the shoreline at a distance of 3 nautical miles to lat. 28°33'00" N, long. 82°43'20" W; due E to lat. 28°33'00" N, long. 82°43'00" W, point of beginning.	Surface to 50,000 feet.	Daylight hours only.	15th Air Force Units, MacDill AFB, Tampa, Fla.
Sebring (Miami Chart)	Beginning at lat. 27°38'45" N, long. 81°07'30" W; SW along the Kissimmee River to lat. 27°32'30" N, long. 81°11'20" W; due W to long. 81°21'00" W; northerly along Arbuckle Creek to lat. 27°38'00" N, long. 81°21'30" W; counterclockwise along the arc of a circle with a one mile radius centered at lat. 27°38'45" N, long. 81°20'00" W to lat. 27°39'20" N, long. 81°21'45" W; NW along creek and eastern shore of Lake Arbuckle to lat. 27°45'30" N, long. 81°26'00" W; E and NE along the road to lat. 27°46'30" N, long. 81°20'30" W; due E to long. 81°17'20" W; due S to lat. 27°46'15" N; SE to lat. 27°41'45" N, long. 81°12'15" W; due S to lat. 27°40'50" N; due E to long. 81°11'30" W; due S to lat. 27°38'45" N; due E to lat. 27°38'45" N, long. 81°07'30" W, point of beginning.	do	do	MacDill AFB, Tampa, Fla.

GEORGIA

Following listing is amended				
Hinesville	Listing is amended by changing "Using Agency" column to read: "Hdq., 3d Army, Fort McPherson, Georgia".			

IDAHO

Following area is added				
Sailor Creek (Boise Chart)	Beginning at lat. 42°51'00" N, long. 115°40'00" W; E to long. 115°35'00" W; S to lat. 42°45'00" N; E to long 115°10'00" W; S to lat. 42°33'00" N; W to long. 115°40'00" W; N to lat. 42°51'00" N, long. 115°40'00" W, point of beginning.	Unlimited	Daylight hours only.	Idaho Air National Guard, Boise, Idaho.

KANSAS

Following area is added				
Osage City (Kansas City Chart).	Circular area with a radius of 3 miles centered at lat. 38°36'00" N, long. 95°57'00" W.	Unlimited	Continuous	Strategic Air Command Offutt AFB, Omaha, Nebr.

MAINE

Following listing is amended				
Great Pond	Listing is amended by changing "Time of Designation" column to read: "Daylight hours only, to October 1, 1949".			

MARYLAND

Following area is added				
Aberdeen (Washington Chart).	Beginning at the town of Aberdeen at lat. 39°30'30" N, long. 76°10'00" W; SE to lat. 39°29'00" N, long. 76°08'00" W; E to lat. 39°29'30" N, long. 76°05'00" W; SE to lat. 39°27'00" N, long. 76°00'30" W; SW to lat. 39°19'47" N, long. 76°11'34" W; SW to lat. 39°08'57" N, long. 76°18'47" W; S to Love Point at lat. 39°02'00" N, long. 76°18'40" W; WSW to Sandy Point Light House at lat. 39°00'45" N, long. 76°23'20" W; N to lat. 39°09'15" N, long. 76°24'45" W; NE to lat. 39°17'30" N, long. 76°19'45" W; NW to lat. 39°18'30" N, long. 76°22'00" W; N to the town of Chase at lat. 39°22'00" N, long. 76°22'00" W; NNW to lat. 39°23'28" N, long. 76°20'40" W; NE to lat. 39°26'10" N, long. 76°14'50" W; NE to lat. 39°27'00" N, long 76°12'30" W; NE to lat. 39°30'30" N, long. 76°10'00" W, point of beginning.	Unlimited	Continuous	Edgewood Arsenal, Md.

MASSACHUSETTS

Following listings are amended				
Cotuit	Listing is amended by changing "Time of Designation" column to read: "Daylight hours only."			
Quabbin Reservoir	Listing is amended by changing "Time of Designation" column to read: "Daylight hours only."			

MICHIGAN

Following areas are added				
Grayling (Green Bay Chart)	Area I: N boundary: lat. 44°41'00" N; E boundary: long. 84°46'00" W; S boundary: lat. 44°36'00" N; W boundary: long, 84°53'00" W. Area II: N boundary: lat. 44°54'00" N; E boundary: long. 84°31'00" W; S boundary: lat. 44°41'00" N; W boundary: long. 84°40'00" W.	Surface to 20,000 feet.	Continuous, Aug. 6 to Aug. 20, inclusive, 1949.	Michigan National Guard, Kellogg Field, Battle Creek, Mich.
Lower Lake Huron (Summer Area) (Detroit Chart).	Beginning at lat. 43°52'00" N, long. 82°32'00" W; due E to long. 82°21'00" W; SSE to lat. 43°34'30" N, long. 82°18'00" W; SSW to lat. 43°16'00" N, long. 82°22'30" W; due W to long. 82°26'30" W; NNW to lat. 43°52'00" N, long. 82°32'00" W, point of beginning.	Unlimited	Daylight hours Apr. 1 through Nov. 30, annually.	Selfridge AFB, Mount Clemens, Mich.
Lower Lake Huron (Winter Area) (Detroit Chart).	Beginning at lat. 43°49'30" N, long. 82°27'00" W; southerly to lat. 43°13'00" N, long. 82°20'00" W; westerly to shoreline at lat. 43°12'00" N, long. 82°30'00" W; northerly along the shoreline to lat. 43°49'00" N, long. 82°37'30" W; easterly to lat. 43°49'30" N, long. 82°27'00" W, point of beginning.	do	Daylight hours Dec. 1 through Mar. 31, annually.	Do.
Oscoda (Green Bay Chart)	N boundary: 44°35'00" N; E boundary: 83°23'00" W; S boundary: 44°27'00" N; W boundary: 83°39'00" W.	do	Daylight hours only.	Do.

MICHIGAN—Continued

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
Following area is added				
Upper Lake Huron (Green Bay Chart).	Beginning at lat. 44°55'00" N, long. 83°15'00" W; due E to long. 82°52'00" W; southerly to lat. 44°11'00" N, long. 82°58'00" W; due W to long. 83°21'00" W; northerly to a point one mile offshore due E of Au Sable Point; northerly paralleling the shoreline at a distance of one mile to a point due E of Sturgeon Point; due N to lat. 44°55'00" N, long. 83°15'00" W, point of beginning.	Unlimited	Daylight hours only.	Selfridge AFB, Mount Clemens, Mich.
MINNESOTA				
Following area is added				
Camp Ripley (Duluth Chart)	Beginning at lat. 46°10'30" N, long. 94°26'00" W; due E to long. 94°21'00" W; due S to lat. 46°09'55" N; due W to long. 94°26'00" W; due N to lat. 46°10'30" N, long. 94°26'00" W, point of beginning.	Surface to 30,000 feet	Continuous, June 11 to Aug. 7, inclusive, 1949.	Minnesota, North Dakota, and South Dakota National Guard, St. Paul, Minn.
MISSISSIPPI				
Following area is added				
Pearl River (New Orleans Chart).	Circular area with a 5 mile radius centered at lat. 30°23'00" N, long. 89°34'00" W.	Unlimited	0800 to 1630 daily	Naval Air Station, New Orleans, La.
NEVADA				
Following area is added				
Black Rock Desert (Elko Chart).	Beginning at lat. 40°25'00" N, long. 118°40'00" W; S to lat. 41° 22'30" N; E to long. 118°39'30" W; S to lat. 41°12'00" N; W to long. 118°42'30" W; S to lat. 40°57'30" N, long. 118°43'00" W; W to long. 118°47'00" W; S to lat. 40°55'00" N, WSW to lat. 40°54'00" N, long. 118°55'00" W; SW to lat. 40°47'00" N, long. 119°11'30" W; N to lat. 40°57'30" N, E to long. 119°04'00" W; NE to lat. 41°25'00" N, long. 118°45'30" W; E to lat. 40°25' 00" N, long. 118°40'00" W, point of beginning.	Surface to 30,000 feet	Daylight hours only	Naval Air Station, Alameda, Calif.
Following area is amended				
Tonopah (Mount Whitney Chart).	Beginning at lat. 37°53'00" N, long. 116°11'00" W; S to lat. 37° 42'00" N; E to long. 115°53'00" W; S to lat. 37°33'00" N; E to long. 115°48'00" W; S to lat. 37° 17'00" N; E to long. 115°18'00" W; S to lat. 36°41'00" N; W to long. 115°35'30" W; S to lat. 36° 35'00" N; W to long. 115°42'00" W; N to lat. 36°41'00" N; W to long. 116°26'30" W; N to lat. 36°51'00" N; W to long. 116° 33'30" W; N to lat. 37°33'00" N; W to long. 117°02'00" W; northerly to lat. 37°53'00" N, long. 117°01'00" W; E to lat. 37°53'00" N, long. 116°11'00" W, point of beginning.	do	do	Las Vegas AFB, Nev.
NEW JERSEY				
Following area is added				
Great Bay (Washington Chart).	A circular area having a radius of 3 nautical miles centered at lat. 39°27'48" N, long. 74°18'35" W.	Surface to 10,000 feet	Daylight hours only	Naval Air Station, Atlantic City, N. J.
Following listing is amended				
Oceanville	Listing is amended by changing "Description by Geographical Coordinates" column to read: "Circle with a radius of 3 miles centered at lat. 39°26'48" N, long. 74°24'00" W.			
NEW MEXICO				
Following areas are added				
Albuquerque (Albuquerque Chart).	Beginning at lat. 34°56'00" N, long. 106°55'00" W; SE to lat. 34°45'00" N, long. 106°50'00" W; due W to long. 107°15'00" W; due N to lat. 34°52'00" N; NE to lat. 34°56'30" N, long. 107°03' 00" W; E to lat. 34°56'00" N, long. 106°55'00" W, point of beginning.	Surface to 30,000 feet N. Mex.	Continuous	Kirtland AFB, Albuquerque, N. Mex.
Guadalupe Mountains (Roswell Chart).	N boundary: lat. 32°18'00" N; E boundary: long. 104°52'00" W; S boundary: lat. 32°00'00" N; W boundary: long. 105°33'00" W.	Surface to 45,000 feet	do	8th Air Force, Carswell AFB, Fort Worth, Tex.
NEW YORK				
Following areas are added				
Albany (Albany Chart)	Straight lines connecting the following points: lat. 43°48'15" N, long. 74°15'30" W; lat. 43°20'00" N, long. 74°00'10" W; lat. 43°08'40" N, long. 74°39'00" W; lat. 43°37'00" N, long. 74°54'40" W.	Unlimited	Continuous	Air Matériel Command, Newark, N. J., Airport.
Gardiner's Island (New York Chart).	A circular area with a radius of 3 nautical miles centered at lat. 41°08'30" N, long. 72°08'50" W.	do	Daylight hours only	Naval Air Station, Quonset Point, R. I.
Lake Ontario (Detroit Chart)	Beginning at lat. 43°18'40" N, long. 78°51'30" W; due N to lat. 43°20'00" N; due W to long. 78°55'00" W; SE to lat. 43°18'30" N, long. 78°54'00" W; E to lat. 43°18'40" N, long. 78°51'30" W, point of beginning.	Surface to 2,000 feet	Daylight hours only, June 1 to July 30, 1949.	Cornell Aeronautical Laboratory, Buffalo, N. Y.

OHIO

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
Following area is added				
Camp Perry (Lacarne) (Cleveland Chart).	Beginning at a point on the S shore of Lake Erie in the vicinity of Locust Point at lat. 41°36'27" N, long. 83°05'19" W; NW to lat. 41°45'14" N, long. 83°12'18" W; NE to lat. 41°45'15" N, long. 83°11'23" W; NE to lat. 41°48'58" N, long. 83°05'54" W; SE along the SW edge of Red Airway No. 21 to lat. 41°39'15" N, long. 82°56'00" W; SW to lat. 41°38'36" N, long. 82°56'49" W; SE to lat. 41°35'31" N, long. 82°54'47" W; SW to lat. 41°33'15" N, long. 83°01'30" W; NW along the shore line of Lake Erie to lat. 41°36'27" N, long. 83°05'19" W, point of beginning, excluding that portion that falls within the confines of Green Civil Airway No. 3.	Surface to 65,000 feet	Daylight hours only	Commanding Officer, Camp Perry, Ohio.

OKLAHOMA

Following area is added				
Fort Sill (Oklahoma City Chart).	Area II: N boundary: lat. 34°47'00" N; E boundary: long. 98°21'00" W; S boundary: lat. 34°38'00" N; W boundary: long. 98°24'00" W.	Unlimited	Continuous, June 14 to June 22, 1949, inclusive.	Fort Sill Artillery School, Fort Sill, Okla.

RHODE ISLAND

Following area is added				
Block Island Sound (Boston and New York Charts).	Beginning at lat. 41°18'07" N, long. 70°48'40" W; counterclockwise around the No Man's Land Danger Area to lat. 41°12'52" N, long. 70°48'40" W; westerly to lat. 41° 10'00" N, long. 71°30'00" W; due N to lat. 41°16'30" N; ENE to lat. 41°18'30" N, long. 71°20'00" W; easterly to lat. 41°18'07" N, long. 70°48'40" W, point of beginning.	Unlimited	Continuous	ComNab, 1st Naval District, Boston, Mass.
Following listing is amended				
Jamestown	Listing is amended by changing "Time of Designation" column to read: "Daylight hours only."			

TEXAS

Following areas are added				
Camp Hood (Austin Chart)	Beginning at lat. 31°24'00" N, long. 97°37'45" W; due S to lat. 31°07'15" N; due W to long. 97°45'00" W; due S to lat. 31°00'00" N; due W to long. 97°54'00" W; due N to lat. 31°07'15" N; thence on a bearing of 22°30' true to lat. 31°24'00" N, long. 97°46'40" W; due E to lat. 31°24'00" N, long. 97°37'45" W, point of beginning.	Surface to 11,000 feet	0700 to 1700, Monday through Saturday.	2d Armored Division, Camp Hood, Tex.
Corpus Christi (Corpus Christi Chart).	A circular area with a radius of 4 miles centered at lat. 27°38'45" N, long. 97°32'50" W, excluding any portion which overlaps Blue Civil Airway No. 30.	Surface to 25,000 feet	Daylight hours only	Naval Air Station, Corpus Christi, Tex.

VERMONT

Following listing is amended				
Underhill	Listing is amended by changing the "Using Agency" column to read "67th Wing National Guard, Otis AFB, Falmouth, Mass., and Grenier AFB, Manchester, N. H."			

VIRGINIA

Following areas are added				
Plum Tree Island (Norfolk Chart).	N boundary: lat. 37°10'00" N, E boundary: long. 76°18'00" W; S boundary: lat. 37°07'00" N; W boundary: long. 76°23'00" W.	Surface to 12,000 feet	Daylight hours only	Tactica lAir Command and National Advisory Commission for Aeronautics, Langley AFB, Va.
Ship Shoal Island (Norfolk Chart).	A circular area with a 5 mile radius centered at lat. 37°14'09" N, long. 75°47'30" W.	do	do	Tactical Air Command, Langley AFB, Va.

WASHINGTON

Following areas are added				
Admiralty Inlet (Bellingham Chart).	Circular area with a radius of 3 miles centered at lat. 48°06'43" N, long. 122°35'49" W.	Surface to 20,000 feet	Continuous	Commander, Fleet Air, Seattle, Wash.
Fort Lewis (Seattle Chart)	Beginning at lat. 47°05'30" N, long. 122°33'30" W; SW to lat. 47°00'00" N, long. 122°36'20" W; westerly along river to lat. 46°59'50" N, long. 122°37'50" W; NW along river to lat. 47°03'30" N, long. 122°41'45" W; N along railroad to lat. 47°04'15" N, long. 122°34'40" W; SE to lat. 47°05'30" N, long. 122°33'30" W, point of beginning.	Surface to 14,000 feet	do	Sixth Army, San Francisco, Calif.
Following listing is amended				
Moses Lake	Listing is amended by deleting from the "Time of Designation" column the words "VFR Conditions."			
Following areas are added				
Rosario Strait (Bellingham Chart).	Circular area with a radius of 3 miles centered at lat. 48°29'06" N, long. 122°45'22" W.	Surface to 20,000 feet	Continuous	Commander Fleet Air, Seattle, Wash.
Saratoga Passage (Bellingham Chart).	Beginning at lat. 48°13'00" N, long. 122°32'10" W; SE along the western shoreline of Camano Island to lat. 48°07'40" N, long. 122°28'00" W; SSE to lat. 48°06'00" N, long. 122°27'40" W; W to long. 122°34'00" W; NNW along the eastern shoreline of Whidbey Island to lat. 48°13'00" N, long. 122°37'00" W; E to lat. 48°13'00" N, long. 122°32'10" W, point of beginning.	do	do	Naval Air Station, Whidbey Island, Wash.
Waldron Island (Bellingham Chart).	Circular area with a radius of 3 miles centered at lat. 48°40'06" N, long. 123°04'12" W.	do	do	Commander Fleet Air, Seattle, Wash.

WASHINGTON—Continued

Name and location (chart)	Description by geographical coordinates	Designated altidudes	Time of designation	Using agency
Following areas are added				
Whidbey Island (Bellingham Chart).	Beginning at lat. 48°25'00" N, long. 123°05'00" W; SW to lat. 48°23'00" N, long. 123°06'00" W; SE to lat. 48°16'30" N, long. 123°03'00" W; due E to the western shore of Whidbey Island; NE along the shoreline to lat. 48°25'00" N, long. 122°39'00" W; W to lat. 48°25'00" N, long. 123°05'00" W, point of beginning.	Surface to 20,000 feet.	Continuous	Commander Fleet Air, Seattle Wash.
Yakima (Seattle and Spokane Charts).	Beginning at lat. 45°51'00" N, long. 119°58'00" W; southerly along the Columbia River to lat. 46°38'00" N, long. 119°55'30" W; S to lat. 46°33'00" N; W to long. 120°15'00" W; N to lat. 46°35'00" N; W to long. 120°20'00" W; northerly to lat. 46°51'00" N, long. 120°21'30" W; E to long. 120°16'30" W; NE to lat. 46°54'30" N, long. 120°15'00" W; clockwise along the arc of a circle with a radius of 12 miles centered at lat. 46°44'45" N, long. 120°20'00" W, to lat. 46°51'00" N, long. 120°08'30" W; E to lat. 45°51'00" N, long. 119°58'00" W, point of beginning.	Surface to 42,000 feet..	0600 to 1800 daily.....	6th Army, San Francisco, Calif.

WISCONSIN

Following areas are added:				
Haven (Milwaukee Chart)...	Beginning at lat. 43°52'30" N, long. 87°44'00" W; NE to lat. 44°00'30" N, long. 87°36'00" W; SE to lat. 43°56'00" N, long. 87°30'00" W; due S to lat. 43°48'00" N; SW to lat. 43°44'00" N, long. 87°33'00" W; NW to lat. 43°51'00" N; long. 87°44'00" W; due N to lat. 43°52'30" N, long. 87°44'00" W, point of beginning.	Surface to 55,000 feet..	0600 to 2000 daily, June 15 to Sept. 14, 1949.	Headquarters 5th Army, Chicago, Ill.
Sheboygan-Port Washington (Milwaukee Chart).	Beginning at lat. 43°44'30" N, long. 37°36'00" W; SE to lat. 43°41'30" N, long. 87°25'00" W; SW to lat. 43°20'30" N, long. 87°35'00" W; NW to lat. 43°23'30" N, long. 87°46'00" W; NE to lat. 43°44'30" N, long. 87°36'00" W, point of beginning.	10,000 feet to 25,000 feet.	Daylight hours only...	10th Air Force, Fort Benjamin Harrison, Ind.

WYOMING

Following areas are added				
Casper (Casper Chart).....	N boundary: lat. 43°15'00" N; E boundary: long. 106°39'00" W; S boundary: lat. 43°09'00" N; W boundary: long. 106°49'00" W.	Surface to 15,000 feet...	Daylight hours only...	National Guard Units of the 10th and 15th Air Force, Casper, Wyo.
Split Rock (Casper Chart)...	N boundary: lat. 42°47'00" N; E boundary: long. 107°04'00" W; S boundary: lat. 42°31'00" N; W boundary: long. 107°54'00" W.	Surface to 30,000 feet...	....do.....	Do.

(Secs. 205 (a), 601, 52 Stat. 984, 1007; Pub. Law 872, 80th Cong.; 49 U. S. C. 425, 551; Reorg. Plans Nos. III and IV of 1940, 3 CFR, Cum. Supp., 5 F. R. 2107, 2421)

This amendment shall become effective on June 14, 1949.

[SEAL] D. W. RENTZEL,
Administrator of Civil Aeronautics.

[F. R. Doc. 49-5002; Filed, June 22, 1949; 8:49 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[4th Gen. Rev. of Export Regs., Amdt. 14]

PART 372—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 375—BLT (BLANKET) LICENSE

PART 383—APPEALS

MISCELLANEOUS AMENDMENTS

1. Section 373.2 *Special provisions for iron and steel, except surplus and reject* is amended to read as follows:

§ 373.2 *Special provisions for iron and steel.* Iron and steel products on the Positive List of Commodities and having the processing code STEE will be licensed for export against the second calendar quarter, 1949, and subsequent export quotas in accordance with the following provisions.

(a) *Basis for licensing.* Export license applications covering iron and steel products described above will be approved on the basis of accepted orders, end use for which the exportation is intended, export price, and country of destination involved in accordance with the licensing policy set forth in § 373.1.

(b) *Evidence of availability of material.* An applicant for a license to export the following iron and steel products must submit with each application an acceptance or commitment letter from the supplier, evidence of ownership (such as a bill of sale, invoice, or photostatic copy thereof), or other proof that the amount of material covered by the application is in fact available to him.

Dept. of Comm. Sched. B No.	*Commodity*
	Iron and steel scrap:
601020	No. 1 heavy melting steel scrap.
601030	No. 2 melting steel scrap.
601040	Hydraulically compressed and baled sheet melting scrap.
601070	Cast and burnt iron scrap.
601090	Other (include heavy shoveling steel, selected rail scrap, machine-shop turnings, wire shorts (scrap only), etc.).
	Iron sheets, galvanized:
603350	Galvanized iron culvert sheets (formerly 603300).
603390	Other galvanized iron sheets (formerly 603300).
	Steel sheets, galvanized:
603450	Galvanized steel culvert sheets (formerly 603400).
603490	Other galvanized steel sheets (formerly 603400).

The letter of commitment by the supplier must be dated and must show the quantity accepted or committed; letters of commitment which are more than 90 days old when the application is received by the Office of International Trade will not be accepted. If the evidence of availability is from a supplier who is not a producer, the applicant shall furnish a statement from the supplier certifying that the material is actually in his possession or furnish clear evidence from the supplier that the material will be made available to him.

NOTE: Applicants are cautioned that the submission of such proof of availability of material does not guarantee that the applicant will receive a license for the full amount or any portion thereof which he may be able to procure.

(c) *Time for submission and action on applications.* (1) Export license applications must be submitted in accordance with the time schedule as set forth in § 372.9 of this subchapter. License applications will be returned without action to the applicant if time schedules for submission are provided but not observed by the applicant; such applications may be resubmitted during the appropriate periods.

(2) It is the intention of the Office of International Trade to complete licensing iron and steel commodities within 35 days after the closing date for the submission of applications for such commodities, where such closing dates are specified.

(d) *Export price.* In answer to item 9 (d) of the application form (IT 419), the export price may be shown either in terms of the total price, including price

per unit, or in terms of the supplier's price plus a specified mark-up. This latter method may be used only where the supplier has filed, or files, with the Office of International Trade his price schedule maintained for the sale of iron and steel items for which export licenses are or may be requested and a statement that the supplier will inform the Office of International Trade promptly (within 10 days) of any changes which may occur in his price schedule. In case the unit price varies according to size or specifications, the applicant must show unit price for each separate size or specification.

NOTE: Because of the increased price of steel products, holders of valid export licenses validated prior to September 30, 1948, covering all commodities on the Positive List identified by the processing code STEE except reject materials, need not return such licenses to the Office of International Trade for a price amendment, provided the proposed increase over the unit value and/or total price shown on the license does not exceed 10 percent. Collectors of Customs have been advised that shipments against such licenses may be cleared for export without an amendment by the Office of International Trade in such cases where the increase in unit value and/or total price shown on the shipper's export declaration does not exceed that shown on the export license by more than 10 percent. However, this 10 percent increase may not be applied to those licenses which have been amended previously by the Office of International Trade to permit a price increase.

(e) *Applications in excess of quotas; refiling.* Applications for which quota is exhausted will be returned without action (RWA) immediately and may not be refiled prior to the date shown on the RWA form. If the letter of acceptance or commitment originally filed is more than 90 days old at the time of refiling of such an application, the letter must be reconfirmed or a new letter must be submitted at the time of refiling.

(f) *Validity period.* Unless otherwise stated on the license, licenses authorizing the exportation of iron and steel products which are under open-end quotas will generally be issued for a validity period of six months, except for the following items where the validity period will be one year: Fabricated structural shapes, Schedule B No. 604600; unlined storage tanks, Schedule B No. 604300; cast iron pressure pipe and fittings, Schedule B Nos. 606705 and 606798. The validity period for items which are under quantitative quotas will be nine months.

(g) *Amendments and extensions*—(1) *Amendments.* Requests for amendments to export licenses covering iron and steel products shall be submitted in accordance with the provisions stated in § 380.2 of this subchapter.

(2) *Extensions.* Requests for extension of validity period of licenses shall be submitted in accordance with the provisions of § 380.3 of this subchapter. However, exporters are advised that in general, such requests will be considered in cases of material ready for shipment only for the limited period of time necessary to clear such shipment.

NOTE: With respect to iron and steel products on the Positive List of Commodities having the processing code STEE, the Office of International Trade will leave intact, as nearly as possible, the list of proposed consignees submitted with each BLT application. This will enable the applicant to select the specific consignee to whom he prefers to ship in the event the entire quantity approved is less than that applied for, although no one consignee may receive more iron or steel out of the total quantity approved than the amount specified for him on the list attached to the BLT application.

2. Section 373.3 *Special provisions for surplus and reject steel* is hereby deleted.

3. Section 373.1 *Export licensing general policy* is amended in the following particulars:

Paragraph (b) *Accepted orders: evidence and certification,* subparagraph (2) *Evidence of accepted order* is amended by deleting subdivision (i) "Surplus and reject iron and steel products on the Positive List having the processing code STEE.", so that subparagraph (2) reads as follows:

(2) *Evidence of accepted order.* Evidence of an accepted order may take the form of an original or photostatic copy of either the contract signed by both the exporter and importer, or of letters, telegrams, cables, or other documents resulting in a contract between the applicant and the foreign buyer. Evidence of an accepted order, as provided herein, must be submitted with license applications for the following commodities:

Unrated tinplate of the following descriptions:

	Schedule B No.
For reimport to the United States as food containers	604110, 604150
Waste-waste strips, rings, and circles	601300, 604000
Tinplate, decorated, embossed, or otherwise advanced; lithographic misprints	604170
Idle and excess stock (mill accumulations)	604110, 604150

4. Section 373.20 *Special provisions for voluntary steel allocation plan for ECA countries* is amended in the following particulars:

Paragraph (c) *Exceptions from other provisions* is amended as follows:

Subparagraphs (3) and (4) are hereby deleted.

Section 372.8 *Issuance and use of export licenses* is amended in the following particulars:

a. The following commodities and related validity periods are deleted from the table Validity Periods of Licenses for Certain Commodities:

Commodity	*Validity period*
Surplus and reject steel whether on the Positive List or not.	90 days.
Steel mill products (except surplus and reject steel) having processing code STEE, whether on the Positive List or not (including the footnote reference and footnote thereto).	9 months.

b. The following commodities and related validity periods are added to the table Validity Periods of Licenses for Certain Commodities:

Commodity	*Validity period*
Steel mill products under quantitative quotas whether on the Positive List or not.	9 months.

6. Section 375.2 *Commodities subject to procedure* is amended in the following particulars:

The parenthetical phrase "(except surplus and reject)" following the processing code STEE is hereby deleted.

7. Section 372.9 *Commodity quotas and time for submission of license applications* is amended in the following particulars:

The parenthetical phrase "(except surplus and reject)", including the footnote reference and footnote thereto, following the commodity subheading "Steel Mill Products" in the table Time Schedules for Submission of Applications for the Exportation of Certain Commodities, is hereby deleted.

8. Section 383.1 *General procedure for appeals* is amended in the following particulars:

Paragraph (b) *Appealability of regulations and administrative actions,* subparagraph (2), and the Note following paragraph (g) *When and where to file appeals* are amended as follows:

The reference to § 382.11 appearing therein is changed to "§ 382.13".

This amendment shall become effective June 17, 1949, except that that part of the amendment covering paragraphs (b) and (c) of § 373.2 (set forth in Item 1 hereof) shall become effective June 10, 1949.

(Pub. Law 11, 81st Cong.; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Dated: June 13, 1949.

FRANCIS MCINTYRE,
Assistant Director,
Office of International Trade.

[F. R. Doc. 49-5016; Filed, June 22, 1949; 8:52 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52245]

PART 6—AIR COMMERCE REGULATIONS

AIRPORTS OF ENTRY

JUNE 17, 1949.

The Bisbee-Douglas Airport, Douglas, Arizona, is hereby designated as an airport of entry for civil aircraft and for merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of the Air Commerce Act of 1926 (49 U. S. C. 179 (b)), effective July 15, 1949, without time limit.

The designation of the Douglas Airport, Douglas, Arizona, as an airport of entry conferred by T. D. 49017, dated June 10, 1937, is hereby revoked, effective at the close of business July 14, 1949.

The list of airports of entry in § 6.12, Customs Regulations of 1943 (19 CFR, Cum. Supp., 6.12), as amended, is hereby further amended by deleting "Douglas Airport" opposite "Douglas, Ariz." and inserting "Bisbee-Douglas Airport" in lieu thereof.

Notice of the proposed designation of the Bisbee-Douglas Airport as an airport of entry without time limit and the revocation of the designation of the Douglas

Airport was published in the FEDERAL REGISTER on April 27, 1949 (14 F. R. 2066), pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U. S. C. 1003).

The designation of the Bisbee-Douglas Airport is based on a determination that a sufficient need exists to justify such designation and the designation is made for the purpose of providing for convenient compliance with customs requirements. The designation of the Douglas Airport is revoked for the reason that there is not a sufficient need for two airports of entry in the area involved and the Bisbee-Douglas Airport is deemed to be the most suitable airport in such area.

(Sec. 7 (b), 44 Stat. 572, as amended; 49 U. S. C. 177 (b))

[SEAL] JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 49-5017; Filed, June 22, 1949; 8:52 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg.,[1] Amdt. 111]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

TEXAS

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) is amended in the following respects:

1. Schedule A, Item 307, is amended to read as follows:

(307) [Revoked and decontrolled.]

This decontrols from §§ 825.1 to 825.12 (1) the City of Bryan, Texas, in the Bryan, Texas, Defense-Rental Area, and all unincorporated localities in the remainder of said Defense-Rental Area, based on a resolution submitted for said City of Bryan in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, said City of Bryan constituting the major portion of said Defense-Rental Area, and (2) the remainder of said Defense-Rental Area, on the Housing Expediter's own initiative in accordance with section 204 (c) of said act.

2. Schedule A, Item 322, is amended to describe the counties in the Defense-Rental Area as follows:

Cameron; Hidalgo, except the City of Mission; and Willacy.

This decontrols from §§ 825.1 to 825.12 the City of Mission in Hidalgo County, Texas, a portion of the Lower Rio Grande Valley, Texas, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

3. Schedule A, Item 328, is amended to describe the counties in the Defense-Rental Area as follows:

Atascosa, Bexar, Guadalupe and Medina.

This decontrols from §§ 825.1 to 825.12 (1) the City of New Braunfels in Comal County, Texas, a portion of the San Antonio, Texas, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, and (2) the remainder of said Comal County and all of Wilson and Kendall Counties, Texas, in said Defense-Rental Area, on the Housing Expediter's own initiative in accordance with section 204 (c) of said act.

4. Schedule A, Item 329, is amended to read as follows:

(329) [Revoked and decontrolled.]

This decontrols from §§ 825.1 to 825.12 (1) the Cities of Sherman and Denison in Grayson County, Texas, a portion of the Sherman-Denison, Texas, Defense-Rental Area, based on resolutions submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, and (2) the remainder of said Defense-Rental Area, on the Housing Expediter's own initiative in accordance with section 204 (c) of said act.

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37, 94 and by Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d). Applies sec. 204, 61 Stat. 197, as amended by 62 Stat. 37, 94 and by Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894)

This amendment shall become effective June 20, 1949.

Issued this 20th day of June 1949.

E. D. DUPREE, Jr.,
Acting Housing Expediter.

[F. R. Doc. 49-5013; Filed, June 22, 1949; 8:51 a. m.]

[1] 13 F. R. 5706, 5788, 5877, 5937, 6246, 6283, 6411, 6556, 6881, 6910, 7299, 7671, 7801, 7862, 8217, 8327, 8386; 14 F. R. 17, 93, 143, 271, 337, 456, 627, 632, 695, 856, 918, 979, 1005, 1083, 1345, 1394, 1519, 1570, 1571, 1587, 1666, 1667, 1733, 1760, 1823, 1868, 1932, 2059, 2060, 2084, 2176, 2233, 2412, 2441, 2545, 2607, 2608, 2695, 2746, 2761, 2796, 2897, 3079, 3120, 3152, 3200, 3234.

[Controlled Housing Rent Reg.,[1] Amdt. 112]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

ENFORCEMENT

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) is amended in the following respect:

Paragraph (b) of § 825.9 is amended to read as follows:

(b) Any person who rents or offers for rent, or acts as a broker or agent for the rental of, any controlled housing accommodations or housing accommodations which the Expediter has reason to believe may be controlled housing accommodations shall, as the Expediter may from time to time require, furnish information under oath or affirmation or otherwise, permit inspection and copying of records and other documents and permit inspection of any such housing accommodations. Any person who rents or offers for rent, or acts as a broker or agent for the rental of, any controlled housing accommodations shall, as the Expediter may from time to time require, make and keep records and other documents and make reports.

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37, 94 and by Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d))

This amendment shall become effective June 20, 1949.

Issued this 20th day of June 1949.

E. D. DUPREE, Jr.
Acting Housing Expediter.

[F. R. Doc. 49-5047; Filed, June 22, 1949; 8:57 a. m.]

[1] 13 F. R. 5706, 5788, 5877, 5937, 6246, 6283, 6411, 6556, 6881, 6910, 7299, 7671, 7801, 7862, 8217, 8327, 8386; 14 F. R. 17, 93, 143, 271, 337, 456, 627, 682, 695, 856, 918, 979, 1005, 1083, 1345, 1394, 1519, 1570, 1571, 1587, 1666, 1667, 1733, 1760, 1823, 1868, 1932, 2059, 2060, 2084, 2176, 2233, 2412, 2441, 2545, 2607, 2608, 2695, 2746, 2761, 2897, 3079, 3120, 3152, 3200, 3234.

[Controlled Housing Rent Reg., New York City Defense-Rental Area,[1] Amdt. 17]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

ENFORCEMENT

The Controlled Housing Rent Regulation for New York City Defense-Rental Area (§§ 825.21 to 825.32) is amended in the following respect:

Paragraph (b) of § 825.29 is amended as follows:

(b) Any person who rents or offers for rent, or acts as a broker or agent for the rental of, any controlled housing accommodations or housing accommodations which the Expediter has reason to believe may be controlled housing accommodations shall, as the Expediter may from time to time require, furnish information under oath or affirmation or otherwise, permit inspection and copying of records and other documents and permit inspection of any such housing accommodations. Any person who rents or offers for rent, or acts as a broker or agent for the rental of, any controlled housing accommodations shall, as the Expediter may from time to time require, make and keep records and other documents and make reports.

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37, 94 and by Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d))

This amendment shall become effective June 20, 1949.

Issued this 20th day of June 1949.

E. D. DUPREE, Jr.,
Acting Housing Expediter.

[F. R. Doc. 49-5045; Filed, June 22, 1949; 8:56 a. m.]

[1] 13 F. R. 8388; 14 F. R. 18, 93, 144, 1395, 1574, 1868, 2060, 2234, 2607.

[Controlled Housing Rent Reg., Miami Defense-Rental Area,[1] Amdt. 22]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

ENFORCEMENT

The Controlled Housing Rent Regulation for Miami Defense-Rental Area (§§ 825.41 to 825.52) is amended in the following respect:

Paragraph (b) of § 825.49 is amended to read as follows:

(b) Any person who rents or offers for rent, or acts as a broker or agent for the rental of, any controlled housing accommodations or housing accommodations which the Expediter has reason to believe may be controlled housing accommodations shall, as the Expediter may from time to time require, furnish information under oath or affirmation or otherwise, permit inspection and copying of records and other documents and permit inspection of any such housing accommodations. Any person who rents or offers for rent, or acts as a broker or agent for the rental of, any controlled housing accommodations shall, as the Expediter may from time to time require, make and keep records and other documents and make reports.

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37, 94 and by Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d))

This amendment shall become effective June 20, 1949.

Issued this 20th day of June 1949.

E. D. DUPREE, Jr.,
Acting Housing Expediter.

[F. R. Doc. 49-5043; Filed, June 22, 1949; 8:56 a. m.]

[Controlled Housing Rent Reg., Atlantic County Defense-Rental Area,[2] Amdt. 18]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

ENFORCEMENT

The Controlled Housing Rent Regulation for Atlantic County Defense-Rental Area (§§ 825.61 to 825.72) is amended in the following respect:

Paragraph (b) of § 825.69 is amended to read as follows:

(b) Any person who rents or offers for rent, or acts as a broker or agent for the rental of, any controlled housing accommodations or housing accommodations which the Expediter has reason to believe may be controlled housing accommodations shall, as the Expediter may from time to time require, furnish information under oath or affirmation or otherwise, permit inspection and copying of records and other documents and permit inspection of any such housing accommodations. Any person who rents or offers for rent, or acts as a broker or agent for the rental of, any controlled housing accommodations shall, as the Expediter may from time to time require, make and keep records and other documents and make reports.

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37, 94 and by Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d))

This amendment shall become effective June 20, 1949.

Issued this 20th day of June 1949.

E. D. DUPREE, Jr.,
Acting Housing Expediter.

[F. R. Doc. 49-5041; Filed, June 22, 1949; 8:56 a. m.]

[Controlled Rooms in Rooming Houses and Other Establishments Rent. Reg.,[1] Amdt. 106]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

TEXAS

The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) is hereby amended in the following respects:

1. Schedule A, Item 307, is amended to read as follows:

(307) [Revoked and decontrolled.]

This decontrols from §§ 825.81 to 825.92 (1) the City of Bryan, Texas, in the Bryan, Texas, Defense-Rental Area, and all unincorporated localities in the remainder of said Defense-Rental Area, based on a resolution submitted for said City of Bryan in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, said City of Bryan constituting the major portion of said Defense-Rental Area, and (2) the remainder of said Defense-Rental Area, on the Housing Expediter's own initiative in accordance with section 204 (c) of said act.

2. Schedule A, Item 322, is amended to describe the counties in the Defense-Rental Area as follows:

Cameron; Hidalgo, except the City of Mission; and Willacy.

This decontrols from §§ 825.81 to 825.92 the City of Mission in Hidalgo County, Texas, a portion of the Lower Rio Grande Valley, Texas, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

3. Schedule A, Item 328, is amended to describe the counties in the Defense-Rental Area as follows:

Atascosa, Bexar, Guadalupe and Medina.

This decontrols from §§ 825.81 to 825.92 (1) the City of New Braunfels in Comal County, Texas, a portion of the San Antonio, Texas, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, and (2) the remainder of said Comal County and all of Wilson and Kendall Counties, Texas, in said Defense-Rental Area, on the Housing Expediter's own initiative in accordance with section 204 (c) of said act.

4. Schedule A, Item 329, is amended to read as follows:

(329) [Revoked and decontrolled.]

This decontrols from §§ 825.81 to 825.92 (1) the Cities of Sherman and Denison in Grayson County, Texas, a portion of the Sherman-Denison, Texas, Defense-Rental Area, based on resolutions submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, and (2) the remainder of said Defense-Rental Area, on the Housing Expediter's own initiative in accordance with section 204 (c) of said act.

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37, 94, and by Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d). Applies sec. 204, 61 Stat. 197, as amended by 62 Stat. 37, 94, and by Public Law 31, 81st Cong.; 50 U. S. C. App. 1894)

This amendment shall become effective June 20, 1949.

Issued this 20th day of June 1949.

E. D. DUPREE, Jr.,
Acting Housing Expediter.

[F. R. Doc. 49-5014; Filed, June 22, 1949; 8:52 a. m.]

[Controlled Rooms in Rooming Houses and Other Establishments Rent. Reg.,[1] Amdt. 107]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

ENFORCEMENT

The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) is hereby amended in the following respect:

Paragraph (b) of § 825.89 is amended to read as follows:

(b) Any person who rents or offers for rent, or acts as a broker or agent for the rental of, any controlled housing accommodations or housing accommodations which the Expediter has reason to believe may be controlled housing accommodations shall, as the Expediter may from time to time require, furnish information under oath or affirmation or otherwise, permit inspection and copying of records and other documents and permit inspection of any such housing accommodations. Any person who rents or offers for rent, or acts as a broker or agent for rental of, any controlled housing accommodations shall, as the Expediter may

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[1] 13 F. R. 5735, 6246, 8389; 14 F. R. 20, 93, 145, 978, 1395, 1588, 1868, 2061, 2235, 2607, 2716, 3183.

[2] 13 F. R. 8390; 14 F. R. 19, 94, 145, 1395, 1577, 1868, 2061, 2175, 2235, 2607.

[1] 13 F. R. 5750, 5789, 5875, 5937, 5938, 6247, 6283, 6411, 6556, 6882, 6911, 7299, 7672, 7801, 7862, 8218, 8328; 14 F. R. 18, 272, 337, 457, 627, 682, 695, 857, 918, 978, 1083, 1345, 1520, 1570, 1582, 1587, 1669, 1670, 1734, 1869, 1932, 2061, 2062, 2085, 2177, 2237, 2413, 2440, 2441, 2545, 2607, 2608, 2695, 2898, 3079, 3121, 3153, 3201, 3234.

[1] 13 F. R. 5750, 5789, 5875, 5937, 5938, 6247, 6283, 6411, 6556, 6882, 6911, 7299, 7672, 7801, 7862, 8218, 8219, 8328, 8388; 14 F. R. 18, 272, 337, 457, 627, 682, 695, 857, 918, 978, 1083, 1345, 1520, 1570, 1582, 1587, 1669, 1670, 1734, 1759, 1869, 1932, 2061, 2062, 2085, 2176, 2237, 2413, 2440, 2441, 2545, 2607, 2608, 2695, 2746, 2761, 2796, 3079, 3121, 3153, 3201, 3234.

from time to time require, make and keep records and other documents and make reports.

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37, 94, and by Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d))

This amendment shall become effective June 20, 1949.

Issued this 20th day of June 1949.

E. D. DUPREE, Jr.,
Acting Housing Expediter.

[F. R. Doc. 49-5046; Filed, June 22, 1949; 8:56 a. m.]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., New York City Defense-Rental Area,[1] Amdt. 14]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

ENFORCEMENT

The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments in the New York City Defense-Rental Area (§§ 825.101 to 825.112) is amended in the following respect:

Paragraph (b) of § 825.109 is amended to read as follows:

(b) Any person who rents or offers for rent, or acts as a broker or agent for the rental of, any controlled housing accommodations or housing accommodations which the Expediter has reason to believe may be controlled housing accommodations shall, as the Expediter may from time to time require, furnish information under oath or affirmation or otherwise, permit inspection and copying of records and other documents and permit inspection of any such housing accommodations. Any person who rents or offers for rent, or acts as a broker or agent for the rental of, any controlled housing accommodations shall, as the Expediter may from time to time require, make and keep records and other documents and make reports.

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37, 94 and by Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d))

This amendment shall become effective June 20, 1949.

Issued this 20th day of June 1949.

E. D. DUPREE, Jr.,
Acting Housing Expediter.

[F. R. Doc. 49-5044; Filed, June 22, 1949; 8:56 a. m.]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg.,[2] Miami Defense-Rental Area, Amdt. 18]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

ENFORCEMENT

The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments in Miami Defense-Rental Area (§§ 825.121 to 825.132) is amended in the following respect:

Paragraph (b) of § 825.129 is amended to read as follows:

(b) Any person who rents or offers for rent, or acts as a broker or agent for the rental of, any controlled housing accommodations or housing accommodations which the Expediter has reason to believe may be controlled housing accommodations shall, as the Expediter may from time to time require, furnish information under oath or affirmation or otherwise, permit inspection and copying of records and other documents and permit inspection of any such housing accommodations. Any person who rents or offers for rent, or acts as a broker or agent for the rental of, any controlled housing accommodation shall, as the Expediter may from time to time require, make and keep records and other documents and make reports.

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37, 94, and by Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d))

This amendment shall become effective June 20, 1949.

Issued this 20th day of June 1949.

E. D. DUPREE, Jr.,
Acting Housing Expediter.

[F. R. Doc. 49-5042; Filed, June 22, 1949; 8:56 a. m.]

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[1] 13 F. R. 13; 14 F. R. 19, 1580, 1869, 2062, 2238, 2608.

[2] 13 F. R. 8392; 14 F. R. 978, 1584, 1869, 2062, 2239, 2608, 2715, 3183.

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

MISCELLANEOUS AMENDMENTS

1. A new centerhead is added and § 21.0 is amended to read as follows:

APPEALS

§ 21.0 *Appeals from vocational rehabilitation and education determinations*—(a) *Definitions.* An appeal is a statutory right by which a claimant may secure review by the board of veterans appeals of any determination made by an agency of original jurisdiction. A formal or informal appeal must be received within one year from the date of notification of the determination made by the agency of original jurisdiction. (See § 19.02 of this chapter.)

(b) *Question subject to appellate review.* All questions involving determinations made as to rights and benefits to education or training under Part VII or Part VIII, Veterans Regulation No. 1 (a), (38 U. S. C. ch. 12) as amended, are subject to review on appeal to the Administrator of Veterans' Affairs, decisions in such cases to be made by the board of veterans appeals. A letter of notification of each determination will advise the veteran of this right and of the time limit in which an appeal must be filed. Appeal questions will include any determinations by the vocational rehabilitation and education agency of original jurisdiction, including questions of basic eligibility, extent of entitlement, need for training, extension of training, amounts of subsistence allowance and periods for which payable, determination of employability, change of employment objective or course, change in place of training, etc. (See §§ 19.0 and 19.1 of this chapter.)

(c) *Agency of original jurisdiction.* For the purpose of this section, the agency of original jurisdiction means the vocational rehabilitation and education activity, in the field or central office, which is charged with the responsibility of making original determinations of rights and benefits under Part VII or Part VIII, Veterans' Regulation No. 1 (a), as amended.

(d) *Appellate Agency.* The appellate agency is the board of veterans' appeals. There is no provision for any intermediate agency or appellate consideration or determination.

(e) *Development of appeals.* Appeals from vocational rehabilitation and education determinations will be handled as to reception, development, certification, recording, and forwarding in accordance with published Veterans' Administration regulations and instructions governing appeal matters. (See the regulations in Part 19 of this chapter.)

(1) For administrative purposes the registration and research section of the vocational rehabilitation and education division, regional offices (and the registration and research service in central office cases), will have sole responsibility for receiving, acknowledging, developing, and recording appeals, and for making all arrangements for the docketing of hearings on appeals which are requested by the veteran or his accredited representative; and for these purposes will receive direct, without other referral, all correspondence bearing upon appeals in vocational rehabilitation and education cases.

(2) A veteran may request on VA Form P-9 that a hearing be conducted for the purpose of his appeal. If such a request is not made, it will be understood that a hearing is not desired by the veteran, and therefore, certification of the appeal will not be delayed for the purpose of ascertaining whether a hearing is desired by the veteran. No change is made in the procedure for notice regarding hearing and presentation of appeal by the designated representative.

(3) In case of a request by the veteran or his accredited representative, a hearing will be scheduled before a hearing group. The hearing group on vocational rehabilitation and education appeals is not defined as to permanent membership, but it shall always include a staff member of the registration and research section and a member of the section of the vocational rehabilitation and education division which was responsible for the decision appealed from. The group will not in any instance act as a reviewing or appellate authority. If the argument or additional material evidence presented to the hearing group is such as to require reconsideration by the originating section of entitlement to the benefits sought, the entire record will be referred for reconsideration to the section which denied the benefits.

(4) Additional material and pertinent evidence may be submitted within the appeal period and if submitted will be considered by the vocational rehabilitation and education activity of original jurisdiction and an appropriate determination will be made upon the basis of such new and material evidence. However, the submittal of additional material evidence will not extend the period in which an appeal may be taken. The appeal period in any event begins to run as of the date of notice of the initial decision.

(5) Intermediate action on appeal issues will be confined to review, hearings (when requested by the claimant or his accredited representative), and other authorized aspects of development within specific provisions of existing instructions.

(f) *Action upon receipt of expression of dissatisfaction.* Whenever a veteran signifies dissatisfaction with any determination, it should be determined by the agency of original jurisdiction whether there has been procedural, regulatory, or factual error or other circumstance warranting further development or corrective action. Additional evidence should be requested only if essential and available, and only in specific terms, defining the exact character and type of evidence considered necessary for resolution of the issue. Unless it is determined that there is entitlement to the full benefit sought, the veteran should be furnished with VA Form P–9, "Claimant's Appeal to Administrator of Veterans' Affairs," without further correspondence or effort to dissuade him from the presentation of a formal appeal.

(g) *Form of appeal.* For consideration of an appeal, the presentation to the agency of original jurisdiction of VA Form P–9, adequately executed, or its equivalent in correspondence, is required. An informal appeal, filed within the time limit, is acceptable, if followed within a reasonable time by the presentation of a formal appeal on VA Form P–9 or its equivalent. The appeal should include a statement defining the issue clearly and setting forth the contentions on the basis of which the appeal is taken; for example, if the appeal is from a determination denying need for training, the factors which the veteran believes make the need apparent should be cited, and reasons in support of his belief should be stated. An appeal may be dismissed by the board of veterans' appeals where the application for appeal is defective because specific assignments of mistake of fact or error of law have not been submitted. This procedure for dismissal is rarely invoked inasmuch as the appellant's belief as to mistake of fact or error of law is usually expressed or implied in some form in the correspondence or other records. An appeal in which specific assignment of mistake or error has not been submitted should be recorded and reported as a formal appeal and may be supplemented by correspondence or personal hearing during the course of development.

(h) *Administrative appeal.* (See § 19.7 of this chapter.)

(1) In the event of an administrative appeal entered by the manager or the chief, vocational rehabilitation and education division, in the field office, or any official of the Veterans' Administration designated in § 19.7 of this chapter, the claimant or his representative will be promptly informed concerning the question at issue and concerning his right of appearance or representation before the board of veterans' appeals or before the hearing group in the vocational rehabilitation and education division of the regional office acting as a hearing agent for the board of veterans' appeals. (See § 19.3 of this chapter and paragraph (e) (3) of this section.) The hearing will not be accepted to serve as a basis for reversal of the decision against which the appeal was entered, but such action as may be indicated will be taken where and material evidence is introduced or where further of the evidence appears advisable on the basis of submitted by or for the claimant. If, upon being informed of the administrative appeal, the claimant or his representative elects to present additional evidence or argument, such election will be deemed to be an appeal and the two appeals will be merged.

(2) If an administrative appeal is entered and there is also entered prior to the release of the records to the board of veterans' appeals an appeal by the claimant or his accredited representative, the administrative appeal will be considered as merged in the claimant's appeal and the case will be handled in accordance with the procedures governing apeals by the claimant or his accredited representative. Such a merger of appeals will be held to have occurred also where an appeal upon the part of the claimant is received in the board of veterans' appeals as a result of administrative appeal, but prior to the rendition of appellate decision. A merger of appeals will not occur if the administrative appeal and the appeal on behalf of the claimant have reference to the application of different statutes and regulations issued pursuant thereto.

(i) *Appellate decisions not precedents.* A decision of the board of veterans' appeals is premised upon the facts and circumstances peculiar to the individual case under consideration. Accordingly, a decision of the board of veterans' appeals in an individual case does not constitute a precedent basis for determination of rights and benefits in other individual cases and will not be construed or employed by responsible vocational rehabilitation and education personnel.

2. Sections 21.1 and 21.2 are amended to read as follows:

§ 21.1 *Finality of action.* The decision of a duly constituted vocational rehabilitation and education activity of original jurisdiction as to an issue properly within its jurisdiction will be final and binding upon all field offices of the Veterans' Administration and is not subject to revision on the same evidence except by duly constituted appellate authority or except as provided in § 21.2. A vocational rehabilitation and education determination which is not appealed within one year shall become final.

§ 21.2 *Revision of vocational rehabilitation and education decisions.* (a) A determination by a vocational rehabilitation and education activity of original jurisdiction will not be reversed or amended by the same or any other vocational rehabilitation and education agency of original jurisdiction except upon new and material evidence, unless a reversal or amendment is clearly warranted by a change in law or by specific change in interpretation thereof formally provided in a Veterans' Administration issue: *Provided,* That a revarsal or amendment may be made by an vocational rehabilitation and education agency of original jurisdiction where such reversal or amendment is obviously warranted by a clear and unmistakable error (as defined below) shown by the evidence in file at the time the prior decision was rendered. In any case of unmistakable error there shall be placed in the record a signed statement by the responsible staff official definitely fixing the responsibility for the determination found to be erroneous.

(1) Error means error of fact or of law, predicated clearly and unmistakably upon the evidence which was of record when the questioned action was taken. It does not mean mere difference of opinion or judgment.

(b) When, as a matter of opinion or judgment, a revision or amendment of a prior decision is deemed justified on the basis of the facts of record at the time the questioned decision was rendered, the complete file will be referred to the assistant administrator for vocational rehabilitation and education, central office, attention: director of the service concerned, accompanied by a complete and comprehensive statement of the facts in the case and justification of the conclusion that review of the prior decision is in order. The question will be resolved and the regional offices vocational rehabilitation and education division so instructed. Such references will in every case be made without any action toward amendment of the questioned decision.

(1) Administrative review is not an appellate consideration, nor may it be employed as a substitute for appellate review. An administrative review by the director of the appropriate service, vocational rehabilitation and education, central office, will be confined ordinarily to the disposition of questions of established policy, administration, doubt as to the application of official regulations and instructions, etc., and will not be employed to reverse original determinations on mere difference of opinion or judgment where the policy and the intent and purpose of official directives are not in question. Except as specified in paragraph (a) of this section the recourse for reversal or revision lies in appellate channels, either on appeal by the veteran or administrative appeal.

3. Sections 21.3 and 21.4 are hereby canceled.

§ 21.3 *Application for change of course and/or change of institution.* [Canceled.]

§ 21.4 *Appeals.* [Canceled.]

4. A new centerhead and §§ 21.5, 21.6, 21.7, 21.8, and 21.9 are added to read as follows:

JURISDICTION AND APPLICATIONS

§ 21.5 *Jurisdiction of registration and research.* (a) The registration and research activity in the field offices, in all cases except those properly within the jurisdiction of the central office (see par. (b) of this section), shall be the agency of original jurisdiction with complete responsibility for determinations of basic eligibility and entitlement to education or training and authorization of subsistence allowance payments under Part VIII, Veterans Regulation 1 (a), (38 U. S. C. ch. 12) as amended, including cases involving military or naval service with the Canadian Government. The registration and research activity in the field office shall also be responsible for authorizations of subsistence allowance payments under Part VIII, Veterans Regulation 1 (a), as amended. The registration and research activity in the field office shall be responsible for receiving, acknowledging, developing and recording appeals from vocational rehabilitation and education determinations made in matters over which the vocational rehabilitation and education division has original jurisdiction and for making all arrangements for the docketing of hearings on appeals which are requested by the veteran or his accredited representative. (See § 21.0 (e).)

(b) Registration and research service, central office, shall be the agency of original jurisdiction with complete responsibility for determinations in the following cases:

(1) Veterans who served with the military or naval forces of a government allied with the United States in World War II including veterans with Canadian service who apply for Part VII training. (Veterans with Canadian service who apply for Part VIII training are under the jurisdiction of the field offices.)

(2) Veterans pursuing education or training under Part VIII in institutions located outside the continental limits of the United States (except Puerto Rico, Hawaii, the Philippine Republic, and other areas which are under the jurisdiction of a designated regional office).

(3) Veterans pursuing correspondence courses while residing outside the continental limits of the United States in foreign countries or other areas not under the jurisdiction of a regional office. This includes veterans temporarily domiciled under an APO and FPO address.

(4) The claims of all veterans based on active service in the army of the Commonwealth of the Philippines (including alleged and recognized guerillas) and active service in the Philippine Scouts entered into under section 14, Public Law 190, 79th Congress, who are not residing under the jurisdiction of the Manila regional office. Any such claims now in regional offices other than the Manila office will be transferred to the registration and research service, central office. This includes the claims of all such veterans who are residing under the jurisdiction of field offices (other than Manila) who had World War II active service in other than an established unit or component of the military or naval forces of the United States. Cases involving such veterans whose entire active service was in the military or naval forces of the United States, will, while such veterans are residing in the United States or its possessions, be handled in the field offices. The Manila regional office will continue to handle all cases of veterans while they are residing under their jurisdiction. (See § 21.15 (f).)

(5) The registration and research service in central office shall be responsible for receiving, acknowledging, developing and recording appeals from vocational rehabilitation and education determinations made in matters under jurisdiction of central office and for making all arrangements for the docketing of hearings on appeals which are requested by the veteran or his accredited representative. (See § 21.0 (e).)

(c) All actions having to do with applications and determinations of eligibility and entitlement to vocational rehabilitation or education or training on the part of veterans who are employees of the Veterans' Administration will be taken by the respective field offices and authorizations of subsistence allowance, original and amended, will be effected in the field office in the same manner as in cases of other applicants for these benefits, with the same principles and procedures governing.

(d) The registration officer will be responsible as authorizing officer and will execute all certificates of eligibility and entitlement and all original and amended authorizations of subsistence allowance over his signature.

§ 21.6 *Application for a course of education or training.* Applications for education or training under Part VIII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12) shall be made by submitting a properly executed VA Form 7–1950, Veteran's Application for a Course of Education or Training. The original, a certified copy, or a photostatic copy of the appropriate discharge document should be submitted with VA Form 7–1950. The receipt of VA Form 7–1950 in the Veterans' Administration is a prerequisite to the determination of eligibility and entitlement under this title, and in no instance will any action to authorize payment of subsistence allowance be completed prior to the filing of the formal application.

(a) If an application is not complete at the time of the original submission, the veteran will be notified of the evidence necessary to complete the application, and, if such evidence is not received within 1 year from the date of request therefor, benefits may not be paid by virtue of the application. (See par. I (2), pt. I, Vet. Reg. 2 (d), (38 U. S. C. ch. 12) under Pub. No. 2, 73d Cong.)

(b) Any communication from or action by a claimant or his duly authorized representative which clearly indicates an intent to apply for benefits under this title may be considered an informal application thereunder if followed promptly by a formal application, VA Form 7–1950, properly executed. (See § 3.27 of this chapter defines informal claims generally; see also § 3.28 of this chapter.)

(c) The act of a veteran in enrolling in an approved institution does not, in itself, constitute an informal application, since there is no authority whereby the Veterans' Administration may impute to a veteran an intention to become a beneficiary under the statute, merely because of his enrollment. There must be a clear and established action upon his part or a communication, identifiable in the record, showing an intention to claim education or training before it may be held that an informal applications has been established. In addition, a valid informal application must be followed promptly by a formal application.

(d) If a formal application is not presented prior to cessation of a course, benefits shall not be allowed by virtue of such course without regard to any question of the prior existence of an informal application. Benefits shall be allowed only for the course being pursued as of the date of receipt of a formal application and then only from the date of the valid informal application if such is established.

(e) The institution by receiving an application is acting as agent of the Veterans' Administration solely for the purpose of transmitting it to the Veterans' Administration office of jurisdiction. However, in those cases where eligibility for education or training is found to exist the Veterans' Administration will accept the date the application was received by the institution as the date of receipt in Veterans' Administration, provided it is transmitted to and received by the Veterans' Administration within a period of 90 days from the date of commencement of education or training.

§ 21.7 *Application for a course of institutional on-farm training.* (a) Applications for a course of institutional on-farm training under Part VIII, Veterans Regulation 1 (a), as amended, (38 U. S. C. ch. 12) shall be made by submitting a properly executed VA Form 7–1921, Application for Course of Institutional on-Farm Training. Such application shall be transmitted directly to that institution which has been designated by the appropriate agency of the State responsible for offering institutional on-farm training courses in the veteran's locality. The institution will determine the course of training which the veteran needs and the type of farming for which he needs training after giving due consideration to the size and character of his farm. The institution will then indicate its approval on VA Form 7–1921 and transmit it through channels designated by the State approval agency to the proper regional office of the Veterans' Administration.

(1) The registration officer will determine whether the veteran meets the eligibility requirements as set forth in § 21.30. If the veteran is eligible, the registration officer will notify the institution, through the channels designated by the State approval agency, of the beginning date of his subsistence allowance and the period of his entitlement.

(2) The receipt of VA Form 7–1921 in the Veterans' Administration is a prerequisite to the determination of eligibility and entitlement to institutional on-farm training, and in no instance will any action to authorize payment of subsistence allowance be completed prior to

the filing of the formal application. The effective date of the veteran's entrance into training will be that date on the application certified to by the approved institution as the beginning date of his course.

(b) If the veteran fails to begin the approved course of training, the institution will report this fact to the regional office of the Veterans' Administration through the channels designated by the State approval agency in order that subsistence allowance may not be paid to the veteran.

§ 21.8 *Application for vocational rehabilitation training.* Applications for vocational rehabilitation training under Part VII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12), shall be made by submitting a properly executed VA Form 7–1900, Disabled Veteran's Application for Vocational Rehabilitation. The receipt of VA Form 7–1900 in the Veterans' Administration is a prerequisite to the determination of eligibility and entitlement under Part VII.

§ 21.9 *Application for change of course and/or change of institution.* Whenever a change of course and/or change of institution is approved by the Veterans' Administration, the effective date of the veteran's new status will be the date the veteran's request for change was received by the Veterans' Administration, or the date his course or institution was changed, whichever is later.

5. In § 21.15, the title and introductory paragraph are amended to read as follows:

§ 21.15 *Basic service requirements.* The veteran must have served in the active military or naval service on or after September 16, 1940, and prior to the termination of the war. The date of the termination of the war is July 25, 1947, except that for this purpose the war shall not be considered as terminating before the end of a first period of enlistment or re-enlistment contracted between October 6, 1945, and October 5, 1946, under the Armed Forces Voluntary Recruitment Act of 1945 (Public Law 190, 79th Congress).

* * * * *

6. In § 21.17, paragraph (e) is amended to read as follows:

§ 21.17 *Discharge or release.* * * *

(e) *Re-enlistments and extension.* Any person who meets the eligibility requirements for the benefits provided by Part VIII may assert a claim therefor, and entitlement will not be barred because such person has re-entered the active military or naval service. Active service credit will continue to accrue after re-entry into service until July 26, 1947, or until expiration of the individual's enlistment or re-enlistment if contracted under the conditions specified in section 11 (a), Public Law 190, 79th Congress. However, this additional service may not be included in computation of entitlement until it has been terminated by discharge or release from active service under conditions other than dishonorable or by the attainment of a status as specified in section 1507, Public Law 346, 78th Congress (added by Public Law 268, 79th Congress). As to the Navy (including the Marine Corps), an extension of such an enlistment occurring after October 6, 1946, does not extend the end of the war for the purposes of section 11 (a), Public Law 190, 79th Congress, but as to the Army, in the case of such an extension to a 3-year enlistment, whether before or after October 6, 1946, the termination of the war for the purpose of section 11 (a), Public Law 190, 79th Congress, will be the date of discharge or release from active duty in such enlistment (par. 1, Part VIII, Vet. Reg. 1 (a), as amended (38 U. S. C. ch. 12)). Voluntary commissioned service entered into between October 6, 1945, and October 5, 1946, inclusive, is not encompassed by the provisions of section 11 (a), Public Law 190, 79th Congress. However, the phrase, "First period of enlistment or re-enlistment" appearing in section 11 (a), Public Law 190, 79th Congress, includes commissioned as well as enlisted service where the veteran enlisted or re-enlisted within the period specified in section 11 (a), Public Law 190, 79th Congress, and was administratively discharged for the express purpose of accepting a commission and continued active duty in commissioned rank prior to expiration of his first enlistment or re-enlistment in the regular establishment contracted for within the delimiting dates specified in the act cited herein. In such cases the applicant's entire period of commissioned and enlisted service which occurred during his period of enlistment or re-enlistment contracted for under the provisions of Public Law 190, 79th Congress, will be for inclusion in the determination of his eligibility and extent of entitlement to education or training.

* * * * *

7. In § 21.52, paragraph (b) (5) is amended and paragraph (f) is added to read as follows:

§ 21.52 *Charges against entitlement.*
* * *

(b) *Part-time training.* * * *

(5) For combinations of institutional and on-the-job training, on-the-job training and institutional training, and/or institutional with institutional training, where each phase of training is less than full-time, the charge against entitlement will be computed in accordance with the formula set out in § 21.104 (c): *Provided, however,* That where one-quarter charge against entitlement is proper under the standards set out in subparagraphs (1), (3) and (4) of this paragraph, such charge will be made without regard to the fact that subsistence allowance may or may not be payable by reason of the extent of the course being pursued.

* * * * *

(f) *Training interrupted, or veteran withdraws prior to the completion of a period of instruction.* (1) Where a veteran withdraws from a school, college, or university, or his course of training therein is interrupted or discontinued prior to the completion of any period of instruction considered as a unit for the purpose of paying tuition and related fees and the Veterans' Administration is required to pay tuition, the veteran must arrange to restore to the Veterans' Administration the amounts which have been paid for that portion of the time when he was no longer in attendance, or a charge will be made against his entitlement in terms of years, months and days equivalent to the period for which payment was made.

(2) If it is shown that the payment made on behalf of the veteran represents a percentage of the total charges for a term or semester, the encumbrance will be a corresponding percentage of the term or semester in point of time.

(3) Unless the veteran arranges within a period of one year following the date of interruption of training to refund the amount paid for the period over which he was no longer in attendance, no further adjustments will be in order.

(4) Where the customary charges for tuition and related fees exceed $500 for an ordinary school year and the veteran has elected to have the Veterans' Administration pay such excess costs, the additional charge against his period of entitlement will be made in accordance with paragraph (d) of this section; otherwise, entitlement charges will be in accordance with subparagraphs (1) and (2) of this paragraph.

8. Section 21.53 is amended to read as follows:

§ 21.53 *Extension of entitlement*—(a) *Definition of terms.* The following definitions are applicable to the terms used in paragraph 2, Part VIII, Veterans Regulation No. 1 (a), as amended (38 U. S. C. ch. 12) by section 5 (b) of Public Law 268, 79th Congress, concerning the extension of entitlement wherever the period of eligibility ends during a quarter or semester and after a major part of such quarter or semester has expired:

(1) "Quarter" means the division of the school year constituting usually a period of from 10 to 13 weeks in institutions operating on a quarterly basis;

(2) "Semester" means the period ordinarily of from fifteen to nineteen weeks in institutions operating on a semester basis;

(3) "Summer quarter" (term or session) means the whole of the summer period of instruction specified for the course in which the veteran is pursuing education or training, without regard to any divisions of such a period which may be made by the institution for administrative or other purposes;

(4) "Major part of such quarter or semester" means more than one-half of such a period, in point of time (except for courses comprehended in subparagraphs (2) and (3) of this paragraph), and the measurement of the major part of such a term or semester will be adjudicated in the individual cases in the light of the beginning and ending dates of the quarter or semester as specified by the institution for the particular course in which the veteran is enrolled.

(b) *School, college or university courses.* Where it is shown by the facts of record that a veteran's entitlement will expire during a certified period of enrollment in a course of training pursued in a school, college, or university,

extensions of entitlement will be made in accordance with the limitations set forth below.

(1) If the course is pursued in a school, college, or university which is organized on a quarter, term, or semester basis, and the charges for tuition and related fees do not exceed the rate of $500 for a full-time course for an ordinary school year, the registration officer will ascertain from official publications of the school, college, or university or other official source the beginning and ending dates of the particular quarter, term, or semester (as defined herein) of the specific course in which the veteran is enrolled and will fix the "mid-point" of such period in accordance with such official information. If the veteran's remaining entitlement is sufficient to enable him to proceed to any point beyond the "mid-point" thus ascertained, his entitlement shall be extended to the end of the quarter, term, or semester.

(2) If the course is pursued in a school, college or university which does not subdivide the year and the customary charges for tuition, fees, and supplies do not exceed the rate of $500 for an ordinary school year, determination as to extension of entitlement will be made in accordance with the following:

(i) If entitlement expires at a point which is less than 8½ weeks from the termination of the course, entitlement will be extended to the end of the course.

(ii) If entitlement is not sufficient to extend to the end of the course as set out in subdivision (i) of this subparagraph, then the course will be divided from the beginning into 17-week segments. Thus, if the veteran's entitlement is sufficient to complete more than half of any 17-week segment in which his entitlement expires, his entitlement will be extended to the end of such 17-week segment.

(iii) In any course of less than 17 weeks' duration entitlement will be extended to the end of the course only where the veteran's period of entitlement is sufficient to cover more than half of such course.

(3) If the charges for tuition, fees, and supplies are in excess of the rate of $500 for an ordinary school year (and provided always that the veteran's remaining period of entitlement in calendar days would be sufficient to authorize an extension of entitlement in a non-excess cost course where the course, quarter, or semester is of equal length in the same educational institution), determination as to extension of entitlement will be made in accordance with the following:

(i) Where the veteran's remaining entitlement converted into dollar value at the rate of $2.10 for each day of entitlement is sufficient to carry him to a point from which the remainder of the charges for tuition, fees, and supplies for the course, quarter, term, or semester is an amount which is less than $125, the veteran's entitlement will be extended to the end of such course, quarter, term or semester.

(ii) Where the veteran's entitlement is not sufficient to permit an extension to the end of the course, quarter, term or semester as set out in subdivision (i) of this subparagraph, the institutional charges for the course, quarter, term or semester will be divided into segments of $250 each. Thus, if a veteran's entitlement converted into a dollar value at rate of $2.10 for each day of entitlement is sufficient to cover more than half of such $250 segment in which his entitlement expires, his entitlement will be extended to the end of such $250 segment. This will represent the limit that may be paid in charges for tuition, fees and supplies and the veteran's subsistence allowance will be discontinued in point of time corresponding to the last day represented by such charges.

(iii) Where the total charges for tuition, fees, and supplies for a short course is less than $250, the veteran's remaining entitlement will be converted into dollar value at the rate of $2.10 for each day of entitlement and entitlement will be extended to the end of such course only if such dollar value represents more than one-half of the total charges for the course.

(iv) It is emphasized that $500 is the maximum that may be paid for any course of less than 30 weeks.

(v) If the veteran is pursuing an excess cost course on a part-time basis, his entitlement may be extended, if in order, through application of the criteria contained herein on a fractional basis, i. e., the segments will be one-quarter, one-half, or three-quarters of a $250 full-time segment.

(vi) In determining date of disconuance of subsistence allowance where payable in flight courses which provide for minimum and maximum number of hours of instruction and varying costs, the determinations respecting extension of entitlement will be promised in each case upon the maximum cost of the course divided by the maximum length of the course in weeks as expressed in the contract. The average hours of training per week for subsistence allowance rates will be determined by dividing the maximum number of hours of instruction by the maximum number of weeks of training. The ending date of subsistence allowance payments will be derived by dividing the dollar value of remaining entitlement by the cost per day of instruction, e. g., veteran with $250 value of remaining entitlement including extension enters flight course on September 1 which has maximum cost of $360 and maximum completion time of 12 weeks or 84 days. Dividing the maximum cost of $360 by 84 days equals $4.28 cost per day. $250 entitlement value divided by $4.28 equals 58 days of entitlement. Therefore, for subsistence allowance purposes the award will be terminated as of the 58th day, that is, October 28. This will not alter the standing policy of terminating subsistence allowance upon expiration of the average length of flight training course in weeks as stipulated by the contract where the dollar value of remaining entitlement is sufficient to complete the course.

(vii) In all excess cost courses where the dollar value of remaining entitlement including any statutory extension is not sufficient to cover the term, semester, or period of enrollment, the converted value of the veteran's remaining entitlement, having been determined by the registration officer and reported on VA Form 7–1907c or VA Form 7–1907c–1, will not be exceeded by the finance activity, and this amount may be paid regardless of the time in the course when charges for tuition, fees, supplies, etc., fall due; the time limit determined for subsistence payment shall not preclude the payment of the total amount of charges for tuition, etc., as authorized herein in an extension of entitlement.

(c) *Correspondence courses.* Whenever the period of eligibility ends after a major number of lessons as required by the contract for completion of the course have been satisfactorily completed and submitted to the institution offering such course, the remaining number of lessons may be completed by the veteran and be paid for by the Veterans' Administration: *Provided, however,* That if the veteran interrupts or is interrupted or discontinued he will have no further entitlement: *And provided further,* That such extension will be limited to the number of lessons which $125 will buy. The Veterans' Administration may not pay for correspondence training in excess of the $500 statutory limitation.

(d *Combination course or training on-the-job.* In on-the-job training courses and combination courses which are defined as "primary on-the-job" and for which no payment of institutional and related fees are made in behalf of the veteran for the primary course, the extension of entitlement under the second proviso to paragraph 2, Part VIII, Veterans Regulation No. 1 (a), as amended (38 U. S. C. ch. 12), will have no application, since this principle is deemed to apply exclusively to training in schools, colleges, or universities.

(e) *Institutional - on - farm training.* Institutional-on-farm training is, by definition, a combination course of training. Extension of entitlement under the second proviso to paragraph 2, Part VIII, Veterans Regulation No. 1 (a), as amended, will have no application in institutional on-farm courses, and termination of training status in such cases will be effective not later than the date of expiration of basic entitlement.

9. Section 21.53a is added to read as follows:

§ 21.53a *Termination of entitlement.* On the exact date that entitlement, as defined in § 21.50 or in § 21.53, has been exhausted in accordance with the charges made against entitlement pursuant to the provisions of § 21.52, training status will be terminated for all purposes under the law.

10. In § 21.54, paragraph (c) is added to read as follows:

§ 21.54 *Election of benefit.* * * *

(c) Where it is proper to authorize education or training under Part VIII following vocational rehabilitation training under Part VII, the time spent in training under Part VII (but not including the two-month period following the date of rehabilitation) must be deducted from any period of entitlement to the veteran's credit under Part VIII.

11. A centerhead and new §§ 21.65 and 21.66 are added to read as follows:

LEAVES OF ABSENCE AND CONDUCT AND PROGRESS UNDER PART VIII, VETERANS REGULATION 1 (A), AS AMENDED (38 U. S. C. CH. 12)

§ 21.65 *Leaves of absence (effective April 1, 1949)*—(a) *Veterans enrolled in institutions of higher learning.* Leaves of absence for veterans enrolled in institutions of higher learning will be authorized in accordance with the provisions of § 21.102 (a).

(b) *Veterans enrolled in institutional-on-farm training.* A veteran enrolled in a course of institutional-on-farm training shall be entitled to that leave which the approved institution grants to other students but not in excess of 30 days in a calendar year exclusive of Saturdays, Sundays, and holidays, provided such leave does not interfere with the progress of the trainee. No attendance reports need be made to the regional office.

(c) *Veterans enrolled in on-the-job training.* A veteran enrolled in on-the-job training will be granted such leave as is granted by the training establishment in accordance with its established policy, but not to exceed 30 days in a calendar year exclusive of Saturdays, Sundays, and holidays. The training establishment is not required to report any such leave to the Veterans' Administration. No other leave during the course will be granted by the Veterans' Administration. No records or accounting of leave accrued or used will be maintained by the Veterans' Administration. At the veteran's option and provided application is received by the Veterans' Administration prior to the completion of his enrollment, the veteran may be granted 15 calendar days of leave at the completion of the period of enrollment, subject to remaining entitlement.

(d) *Veterans enrolled for other school training.* A veteran enrolled for school training other than institutional-on-farm or in institutions of higher learning will be granted leave in accordance with the provision of the school's contract with the Veterans' Administration, or in the absence of a specific contractual provision, in accordance with the school's established policy for granting leave to all students, but not to exceed 30 days in a calendar year exclusive of Saturdays, Sundays, and holidays. The school is not required to report any such leave to the Veterans' Administration. No other leave during the course will be granted by the Veterans' Administration. No records or accounting of leave accrued or used will be maintained by the Veterans' Administration. At the veteran's option and provided application is received by the Veterans' Administration prior to the completion of his enrollment, the veteran may be granted 15 calendar days of leave at the completion of the period of enrollment, subject to remaining entitlement.

§ 21.66 *Conduct and progress*—(a) *Notification.* All schools and training establishments are responsible for immediately notifying the Veterans' Administration when a veteran drops out of training. When a veteran's conduct or progress is reported as unsatisfactory the registration and research section will ascertain the school's or establishment's recommendation as to disposition to be made of the case where the veteran has not been dropped from the rolls of the school or establishment.

(b) *Unauthorized absences and absences in excess of 30 days in a calendar year (effective April 1, 1949).* (1) Applicable schools and training establishments will be responsible for reporting to the Veterans' Administration on VA Form 7–1963 all absences in excess of 30 days in a calendar year and all absences which the school or establishment considers unauthorized. Schools will also be responsible for notifying the Veterans' Administration of interruption of training where the provision of the contract with the Veterans' Administration or the established policy of the school requires interruption for lack of progress due to excessive absenteeism.

(2) Subsistence allowance will be reduced for unauthorized absences reported on VA Form 7–1963 in accordance with § 21.107 (i).

12. Section 21.75 is amended to read as follows:

§ 21.75 *Submission of questions for original opinion.* Requests for legal opinions concerning domestic relations of doubtful legality involving circumstances other than those outlined in § 21.70 (a) and (b) will be made in memorandum form, setting forth the question upon which an opinion is desired, together with a complete and accurate statement of the facts involved. The request, accompanied by the claims folder, will be addressed in regional office cases by the chief, vocational rehabilitation and education division, to the chief attorney; in central office cases, by the director, registration and research service for vocational rehabilitation and education, to the solicitor.

13. The centerhead and §§ 21.100 and 21.101 are amended to read as follows:

AUTHORIZATION OF EDUCATION OR TRAINING AND SUBSISTENCE ALLOWANCE UNDER PART VIII, VETERANS REGULATION 1 (A), AS AMENDED (38 U. S. C. CH. 12)

§ 21.100 *Effective dates in original claims for education or training and subsistence allowance.* (a) The beginning date of a course of education or training whether there is or is not a claim for subsistence allowance will be authorized effective as of the date of receipt of application (§ 21.106), the date of entrance into training or the date of approval of the institution, course, or establishment by the appropriate agency of the State or by the Veterans' Administration, whichever is the later.

(b) The beginning date for payments of subsistence allowance will be authorized effective as of the date of receipt of the claim for subsistence allowance or the date of entrance or re-entrance into training as certified by the institution or the date of approval of the institution, course, or establishment by the appropriate agency of the State or by the Veterans' Administration, whichever is the later.

(1) The date of receipt of claim for subsistence allowance (VA Forms 7–1953 or 7–1909) by the institution will be accepted as the date of receipt by the Veterans' Administration if the claim is transmitted by the institution and received in the Veterans' Administration within a period of 90 days from the date received by the institution. Otherwise, the date of receipt by the Veterans' Administration will be the governing date.

(2) The date of entrance or re-entrance into training as certified by the institution will be accepted if the certification on Veterans' Administration Form 7–1953 or 7–1909 is received in the Veterans' Administration within a period of 90 days from that date. Otherwise, the date of receipt by the Veterans' Admintration will be the governing date.

(c) Where a veteran who has formerly pursued education or training without a claim for subsistence allowance asserts on Veterans' Administration Form 7–1953 or 7–1909 upon re-entrance into training after a period of interruption or discontinuance or notifies the Veterans' Administration while in training status that he desires to be paid subsistence allowance, such statement or notice constitutes an original claim for subsistence allowance.

(d) All authorization actions accomplished by the registration and research section entering veterans into education or training (full-time or part-time institutional training, on-the-job or apprenticeship training, etc.) will authorize subsistence allowance at the rate provided for a person without a dependent or dependents, unless satisfactory evidence of dependency accompanies his application or is of record which warrants an authorization of subsistence allowance on account of dependency. If evidence of dependency accompanies the veteran's application or is of record, the appropriate rate reflecting such dependency will be authorized.

(e) Where the veteran asserts on his application for subsistence allowance that he has a dependent or dependents, he will be informed of the necessity to submit satisfactory evidence of such dependency and that until such evidence is received in the Veterans' Administration, subsistence allowance on the basis of dependency will not be authorized. If satisfactory evidence of such dependency is received within 1 year of the date of request therefor, subsistence allowance payable because of the dependency will be authorized effective as of the date of entrance into training or the receipt of the application if received at a later date. If such evidence is received after 1 year of the date of request therefor, the effective date of an authorization in subsistence allowance on account of dependency will be as of the date of the receipt by the Veterans' Administration of the evidence showing entitlement thereto.

§ 21.101 *Effective date of claim for increase in rate of subsistence allowance.* The effective date of an increase in subsistence allowance on account of a dependent will be the date the evidence establishing the dependency is received in the Veterans' Administration. Such evidence of dependency will be considered as received in the Veterans' Administration as of the date received by an

institution if it is transmitted to and received in the Veterans' Administration within a period of 90 days from the date received by the institution. In those cases where additional evidence is necessary to substantiate or confirm the original evidence submitted by the veteran, the effective date of increased subsistence allowance is date of receipt of the original evidence if the additional evidence confirms the original evidence and is received in the Veterans' Administration within 1 year from the date of request therefor. Additional evidence required for the purpose of inquiring into the veracity of a witness or the authenticity or validity of the documentary evidence falls within the above-cited rule.

14. In § 21.102 the introductory paragraph and paragraph (a) (4) are amended to read as follows:

§ 21.102 *Effective closing dates of an authorization of subsistence allowance.* The effective closing date of an authorization of subsistence allowance shall be determined by the type of training being pursued in accordance with the criteria set forth below, except that when a veteran in receipt of regular monthly payments of subsistence allowance withdraws—without giving prior notice to the Veterans' Administration—from either institutional or on-the-job training prior to the end of the course or the end of the certified period of enrollment, the authorization action will extend the training status and subsistence allowance to the end of the month in which the withdrawal, interruption or discontinuance occurred: *Provided, however,* That in any case where an ending date has been previously fixed within the month in which the withdrawal, interruption or discontinuances occurred, there will be no extension beyond such ending date, this exception will be complied with without election or choice upon the part of the veteran. This exception will in no event be given retroactive effect, except that in the cases of deceased veterans who had withdrawn from, or interrupted training status as defined herein, and prior to the effective date of this instruction subsistence allowance was paid to the end of the month in which such withdrawal or interruption occurred, this exception will be given effect, thus eliminating overpayment in the subsistence allowance account which would otherwise stand against the estate of the decedent.

(a) *Schools, colleges, and universities.*

* * *

(4) In no event will the extension authorized herein be applicable:

(i) Where a veteran interrupts training at any time prior to the end of the period of certified enrollment.

(ii) Where the veteran notifies the Veterans' Administration in writing not later than 30 days prior to the ending date of the period of certified enrollment that he desires his training status be interrupted at the end of certified period of enrollment. Veterans will be notified of this written notice requirement at the time of enrollment and offered the opportunity of making an election at that time. Where the certified enrollment period is for the full school year the provisions of subparagraph (1) of this paragraph are governing and the veteran will have no choice or election as to intervals between consecutive terms or semesters; the choice or election not to have training status extended at the end of a single term or semester is permitted only where the certified enrollment is for a single term or semester.

15. In § 21.103, the title and introductory paragraph are amended and paragraph (d) is deleted.

§ 21.103 *Effective dates of reduction of subsistence allowance because of a change in dependency status.* Reductions in an authorization of subsistence allowance shall be effective:

* * * * *

16. Section 21.104 is amended to read as follows:

§ 21.104 *Rates for subsistence allowance*—(a) *Full- and part-time rates of subsistence allowance for institutional training.* Prior to January 1, 1946, the rates of subsistence allowance for full-time training payable to a veteran without a dependent was $50 per month, and to a veteran with a dependent or dependents, $75 per month. From January 1, 1946, to April 1, 1948, the rates of subsistence allowance payable were $65 per month for a veteran without a dependent, and $90 per month for a veteran with a dependent or dependents. On or after April 1, 1948, the subsistence allowance rates of, or appropriate fractional parts of, $75 per month for a veteran without a dependent, $105 per month for a veteran with one dependent, or $120 per month for a veteran with two or more dependents apply to those veteran-students pursuing full-time or part-time institutional training. On or after August 8, 1946, all subsistence rates are subject to the statutory ceiling limitation on combinations of subsistence allowance and compensation for productive labor, as provided in § 21.105. The rates of subsistence allowance payable to veterans pursuing institutional training will be determined in accordance with the certification of the institution as to training load of the veteran. Subsistence allowance will be authorized only on the basis of certifications showing the extent of the veteran's enrollment in accordance with the following criteria:

(1) For undergraduate courses in collegiate institutions which use a standard unit of credit recognized by educational accrediting associations, or recognized by members of such associations to the extent that the standard unit of credit is acceptable at full value and without examination, the determination as to the rate of subsistence allowance payable will be based on the number of standard semester hours or the equivalent (quarter hours, term hours, etc.) per semester (quarter, term, etc.) for which the veteran is registered for credit in accordance with the following schedules:

(i) 12 or more credit hours—full time rates.

(ii) Less than 12 but not less than 9 credit hours—¾ time rates.

(iii) Less than 9 but not less than 6 credit hours—½ time rates.

(iv) Less than 6 but not less than 3 credit hours—¼ time rates.

(v) Less than 3 credit hours—no subsistence allowance.

(vi) Subsistence allowance will be paid for only those courses for which the institution certifies that the veteran is enrolled for credit, that is, upon satisfactory completion the veteran will be given credit measured in credit hours.

(2) For graduate or advanced professional courses, for which standard units of credit are not given, pursued in collegiate institutions which use a standard unit of credit, subsistence allowance will be authorized at the full, ¾, ½, or ¼ rates according to the certification of the institution that the veteran is pursuing full, ¾, ½, or ¼ time training.

(3) For courses in all other schools, including high schools the determination as to the rate of subsistence allowance payable will be based on the number of clock hours of required attendance at the school as certified by the school and in accordance with the following schedule:

(i) 25 or more clock hours—full-time rates.

(ii) Less than 25 but not less than 18 clock hours—¾ time rates.

(iii) Less than 18 but not less than 12 clock hours—½ time rates.

(iv) Less than 12 but not less than 6 clock hours—¼ time rates.

(v) Less than 6 clock hours—no subsistence allowance.

(4) For courses in flight schools, the determination of the subsistence allowance to be paid will be based on the clock hours of required attendance at the school in accordance with existing instructions, with ground instruction valued at one clock-hour attendance for each required hour of classroom ground instruction, and flight instruction valued at two clock hours for each hour of flying time. (The counting as 2 hours of actual attendance of each 1 hour of actual flying time is based on the fact that by common requirement and experience the flight student spends at the school the additional allowed time before and after actual flying, receiving instruction, advice, etc., from the instructor or in performing duties necessary to starting actual flying or completing the lesson period after flying.) The payment of subsistence allowance will be upon the basis of the anticipated normal program of flight instruction. Weekly adjustments are not required because of extended periods of non-flight weather or compensatory periods of accelerated flying time, provided the veteran holds himself in readiness for instruction and such instruction is temporarily suspended due to non-flight weather.

(b) *$65 or $90 per month.* The subsistence allowance rates of $65 or $90 apply to apprentice or other on-the-job training, institutional on-farm training, and combination or cooperative courses requiring less than the normal full-time classroom instruction. On or after April 1, 1948, for a veteran who pursues a part of his course in an educational institution, the extent of such training will be determined in accordance with the criteria set out in paragraph (a) of this section, and subsistence allowance in ad-

dition to the basic rates of $65 and $90 will be payable to the extent of the appropriate fractional part (¾, ½, ¼) of the difference between the basic rates of $65 or $90 and $75, $105, or $120, whichever is applicable. These rates are subject to the following limitations and to the limitations prescribed in § 21.107:

(i) For on-the-job training, the number of hours per week which the trainee is required to devote to training, according to a specific schedule which the employer-trainer will be required to furnish, will determine the maximum payment of subsistence allowance.

(i) Full-time—36 or more hours per week.

(ii) ¾ time—less than 36 but not less than 27 hours per week.

(iii) ½ time—less than 27 but not less than 18 hours per week.

(iv) ¼ time—less than 18 but not less than 9 hours per week.

(v) No subsistence allowance will be paid for less than 9 hours required on-the-job training per week.

(c) *Combination courses.* (1) Where the veteran's course includes related training in separate institution or establishment where Veterans Administration standards for determination of the extent of training are dissimilar, and the training in the principal institution or establishment is less than full time, the extent of the course will be determined by converting the related training to its equivalent in value to the measurement required for full-time training in the principal facility, and applying the combined total to the appropriate criteria of paragraphs (a) or (b) of this section. Value equivalents are computed as follows:

(i) Related institutional training on a clock hour basis to principal on-the-job training will be 1.44 hours (36+25) for each clock hour of instruction.

(ii) Related institutional training on a semester credit basis to principal on-the-job training will be 3 hours (36+12) for each semester credit of instruction.

(iii) Related on-the-job training to principal institutional training on a semester credit basis will be ⅓ semester credit (12+36) for each related hour of on-the-job training.

(iv) Related on-the-job training to principal institutional training on a clock hour basis will be .694 hours (25+36) for each on-the-job training hour.

(v) Related institutional training on a clock hour basis to principal institutional training on a semester credit basis will be .48 credits (12+25) for each related clock hour of instruction.

(vi) Related institutional training on a semester credit basis to principal institutional training on a clock hour basis will be 2½ hours (25+12) for each related semester credit.

(2) Where each type of training measured independently in accordance with the ¾, ½, or ¼ fractional standards in paragraphs (a) and (b) of this section, provides a greater subsistence allowance than afforded by determinations in accordance with this paragraph, the former will be for application.

(3) In combination of on-the-job training and related institutional training, the increased rates specified in paragraph (a) of this section will not apply unless the institutional part of the training is equivalent independently to a fractional part as defined therein.

(4) The following examples are illustrative of the principles set forth above.

(i) A veteran without dependents is pursuing on-the-job training for 34 hours per week with 2 hours of related training in an educational institution operating on a clock-hour basis. Subsistence allowance may be authorized at the rate of $65 per month, since the related institutional training is the equivalent of 2.88 hours of on-the-job training (2×1.44). (If the related training consisted of 6 clock hours per week, subsistence allowance of $67.50 per month would be permitted since the institutional phase would meet the ¼ time requirements of paragraph (a) of this section.)

(ii) A veteran without dependents is pursuing training for 18 hours per week in an educational institution operating on a clock-hour basis, and is enrolled in a collegiate institution for 3 semester credits of related training. Subsistence allowance may be authorized at the rate of $75 per month since the training in the two institutions equals ¾ and ¼ time, respectively, by the standards outlined in paragraph (a) of this section, notwithstanding the fact that conversion of the 3 semester credits of related instruction (3×2½) to their equivalent in value to the principal training equals a combined total of only 24¼ hours (18+6¼).

17. Section 21.106 is hereby canceled.

§ 21.106 *Compensation for productive labor, definition of.* [Canceled.]

18. Section 21.107 is amended to read as follows:

§ 21.107 *Periodic reports of conduct, progress, and compensation for productive labor.* (a) For veterans pursuing full-time training in institutions of higher learning (universities, colleges, professional or technological schools, teachers' colleges and normal schools, and junior colleges which offer instruction on the basis of standard units of credit recognized by national or regional accrediting associations) an estimate of contemplated compensation for productive labor upon entering or reentering training will be required. If on the basis of this estimate the veteran is entitled to the maximum subsistence allowance rate appropriate to his case, the authorization will remain unchanged for the period of enrollment unless a subsequent report is received from the veteran showing receipt of compensation for productive labor which will affect the maximum rate authorized. Where either the veteran's initial estimate or a subsequent report of compensation for productive labor warrants an authorization of subsistance allowance in an amount less than the maximum rate payable, periodic reports will be required in accordance with paragraph (b) of this section.

(b) For veterans pursuing part-time courses in institutions of higher learning, or full- or part-time courses in other schools operating on a term or semester basis and schools providing cooperative courses, the periodic report of compensation for productive labor (VA Form 7–1963) will be dispatched to the veteran on the 15th of March and November of each year to be received and reviewed for adjustments by the 5th day of April and December. These reports, in addition to the estimate submitted by the veteran at the time of each enrollment, will provide all the controls necessary throughout the year.

(c) Reports of compensation for all veterans receiving subsistence allowance, except those listed in paragraphs (a) and (b) of this section, and in § 21.109 (institutional on-farm training), will be dispatched so that they may be reviewed in accordance with the following schedule: Cases in which the C-number ends in zero or 1 will be reviewed in January, May, and September; ending in 2 or 3 will be reviewed in February, June and October; ending in 4, 5, or 6 will be reviewed in March, July, and November; ending in 7, 8, or 9 will be reviewed in April, August, and December.

(d) *Definitions*—(1) *Wage differential.* The wage differential is the difference between the trainee and objective rates of pay for the standard work week in the establishment where the veteran is employed exclusive of overtime (converted to monthly rates where necessary by multiplying the rate for the standard work week by 4⅓). The objective rate of pay (trained worker or journeyman wage) will be fixed as the rate of pay to be attained at the end of the course, but in no case shall the period be longer than the first 4 years of the veteran's training, if an apprentice course, or 2 years, if other training on-the-job. It is recognized that the wage differential as determined from the trainee and objective wage rates as reported from entrance or reentrance into training should be consistent with those reported in the training program, but if inconsistent, the lesser of the wage differentials will be used in determining the rate of subsistence allowance to be authorized and the discrepancy reported to the State approving agency for resolution. Upon receipt of information from the State approving agency in any such case as to the rates of pay and effective dates of such rates, an amended authorization action will be accomplished in those instances where a deficit in the amount of subsistence allowance payable to the veteran has resulted. Where changes are made in the approved wage scale subsequent to the veteran's entrance into training the effective date of an increase in trainee rates of pay or of a decrease in objective rate of pay resulting in a decreasing in subsistence allowance shall be the first day of the month following the month in which the notice of the approved change is received by the Veterans' Administration. The effective date of a decrease in trainee rates of pay or of an increase in objective rate of pay resulting in an increase in subsistence allowance shall be the date specified by the State approving agency.

(2) *Ceiling differential.* The ceiling differential is the difference between the amount of the average monthly compensation received for productive labor and

the amount of the appropriate ceiling ($210, $270, $290), but limited to the statutory rate of subsistence allowance appropriate to the case.

(e) *Determination of rates of subsistence allowance for veterans entering or reentering training*—(1) *Institutional training.* The monthly rate of subsistence allowance which may be authorized because of the ceiling limitation will be based on the estimated compensation for productive labor reported by the veteran.

(2) *On-the-job and combination training.* The monthly rate of subsistence allowance which may be authorized because of the ceiling limitation (based upon the greater of the estimates of compensation for productive labor reported by the veteran and the employer) and the wage differential will be the lesser of the two amounts.

(3) *Cooperative training.* The monthly rate of subsistence allowance which may be authorized because of the ceiling limitation will be based upon estimated compensation for productive labor reported by the veteran as the amount to be earned during one cycle of training consisting of the in-school and the on-the-job portions. Such amount will be pro-rated over the complete cycle of training. The wage differential is not a factor in the determination of subsistence allowance for veterans training in such courses.

(f) *Adjustments of subsistence allowance rates.* The greater of the two amounts of compensation for productive labor reported by the veteran and employer will be used in determining the ceiling differential as referred to in paragraph (d) (2) of this section. Changes in rates of subsistence allowance because of changes in compensation for productive labor will be effective the first of the month in which the report is due, except as otherwise provided in this section. When the calculation results in a rate of subsistence allowance of less than $1 per month, VA Form 7–1907c or 7–1907c–1 will show no subsistence allowance payable.

(1) *Veterans pursuing full-time courses in institutions of higher learning.* In any case where a veteran in full-time institutional training has made an estimate of compensation and has then experienced a change in his earnings, any report of compensation subsequently received will be presumed to have been due in the month in which he received the increased compensation. Where periodic reports are required, those cases will be handled as specified in subparagraph (2) of this paragraph.

(2) *Veterans pursuing part-time courses in institutions of higher learning or full or part-time courses in schools other than institutions of higher learning and operating on a term or semester basis.* When VA Form 7–1963 is received, the ceiling differential will be determined, and if the rate of subsistence allowance paid during the first period was less than the ceiling differential, the deficit will be adjusted by a single payment authorization action. The ceiling differential will serve as the rate of subsistence allowance to be authorized for the ensuing period. No retroactive adjustments will be made on the basis of subsequent reports received during the balance of the period of certified enrollment except in the case of exceptional report as provided for in subparagraph (6) of this paragraph.

(3) *Veterans enrolled for institutional training not on a term or semester basis.* Upon receipt of the initially scheduled VA Form 7–1963, the ceiling differential will be determined, and if the rate of subsistence allowance paid during the first 4-months' period was less than the ceiling differential, the deficit will be adjusted by a single payment authorization action. The ceiling differential will serve as the rate of subsistence allowance to be authorized for the succeeding 4-months' period. Upon receipt of the second and subsequent reports, the ceiling differential as determined from the actual earnings reported during the respective preceding periods will serve as the rate of subsistence allowance to be authorized for the respective succeeding periods. No retroactive adjustments are therefore made on the basis of reports received subsequent to the initial report, except in the case of an optional report as provided for in subparagraph (6) of this paragraph.

(4) *Veterans enrolled for training in cooperative courses.* When the initially scheduled VA Form 7–1963 is received and the reported earnings for the on-the-job portion prorated over the entire cycle, the ceiling differential will be determined, and if the rate of subsistence allowance paid was less than the ceiling differential, the deficit will be adjusted by a single payment authorization action. The ceiling differential will serve as the rate of subsistence allowance to be prospectively authorized. On receipt of the second and subsequent reports, the ceiling differential as determined from the actual earnings experienced during the respective preceding periods will serve as the rate of subsistence allowance to be prospectively authorized for the respective succeeding periods. No retroactive adjustments will therefore be made on the basis of reports received subsequent to the initial report except in the case of an optional report as provided in subparagraph (6) of this paragraph.

(5) *Veterans enrolled in on-the-job and combination training programs.* Upon receipt of the initially scheduled VA Form 7–1963, the ceiling differential will be computed and used with the wage differential to determine whether the subsistence allowance paid during the preceding period was less than appropriate. Any deficit found will be adjusted by a single payment authorization action. The rate of subsistence allowance to be prospectively authorized for the succeeding period will be the ceiling differential based upon compensation for productive labor for the preceding period or the wage differential for the succeeding period, whichever is the lesser. However, when there is a scheduled change in the trainee wage rate in a succeeding 4-months' period, the rates of subsistence allowance appropriate to each period of time within the 4-months' period will be computed and the average prospectively authorized. No retroactive adjustments will therefore be made on the basis of reports received subsequent to the initial report of compensation, except in the case of an optional report as provided for in subparagraph (6) of this paragraph.

(i) In the event reports of compensation for productive labor paid by an employer-trainer are such as to provide substantial indication that the employer is deviating from the wage schedule as established in the training agreement, such facts will be assembled and reported to the State approving agency for their investigation and action. In the absence of other evidence indicating irregularities, a single report in an individual case will not serve as the basis for referral to the State approving agency. However, such cases may be the subject of correspondence between the Veterans' Administration and the employer to develop the facts before submission of the case to the State approving agency. In all such cases, subsistence allowance will be authorized in accordance with this subparagraph pending a report from such agency as to the disposition made.

(6) *Optional report of compensation.* Upon completion of a period of certified enrollment, period of entitlement, course of training, or at the time of interruption of training, a veteran at his option may submit a report of compensation to cover the period of time immediately preceding such occurrence and for which no report of actual earnings had been previously submitted. Upon receipt of such a report, the average monthly compensation will be determined for the entire period of certified enrollment or for the final 12 months of training, whichever is lesser. Using this average monthly compensation the appropriate ceiling differential will be determined and used as the basis for computing the rate of subsistence allowance which would have been authorized had the information been available. The rate of subsistence allowance so determined and found permissible considering the wage differential where applicable will be compared with the average monthly rate of subsistence allowance paid during such period. If a deficit is found in the amount of subsistence allowance paid, an adjustment will be made by a single payment authorization action. No recovery of excess payments which may have been made during such period will be effected.

(g) *Seasonal payments.* Where through the receipt of report of actual compensation on VA Form 7–1963 it is established that a substantial part of the veteran's compensation for productive labor is seasonal and prior reports on VA Form 7–1963 have been inaccurate or misleading in that pro rata amount of such seasonal compensation has not been reported, the provisions of this section do not preclude recalculation of subsistence allowance over the period during which the seasonal income should have been prorated. Overpayments thus created by reason of inaccurate or misleading reports will be recovered. This provision is particularly applicable where compensation for productive labor is earned, but the payment is deferred and such income is not reported as earned nor prorated over the normal seasonal cycle.

(h) *Suspension and discontinuance of subsistence allowance and other training benefits.* Subsistence allowance will be suspended in the case of veterans who fail to submit VA Form 7–1963, Report of Compensation From Productive Labor, so as to be received in the Veterans' Administration by the 10th day of the month scheduled for review. Subsistence allowance will also be suspended in those cases where essential information is omitted from VA Form 7–1963. The veteran, the training institution, and/or establishment will be notified of the suspension action by appropriate form letter. The suspension will be lifted where a delinquent report is received in the Veterans' Administration by the end of the month following the month in which it was due. For all cases pending at the end of the month next following the month in which the report was due, subsistence allowance and other training benefits will be discontinued in accordance with the following effective dates:

(1) If the veteran is enrolled in on-the-job training without related training, subsistence allowance and other training benefits will be discontinued effective the first day of the month in which the report was due.

(2) If the veteran is enrolled in on-the-job training and is pursuing related instruction in an educational institution for which tuition payments are involved, subsistence allowance will be discontinued effective the first of the month in which the report was due, and other training benefits will be discontinued at the end of the month following the month in which the report was due, or the date of last attendance at the school, whichever is earlier.

(3) If the veteran is enrolled in an educational institution for which tuition payment is involved, subsistence allowance will be discontinued effective the first day of the month in which the report was due, and other training benefits will be discontinued effective as of the last day of the month following the month in which the report was due, or the date of last attendance in the institution, whichever is earlier.

(4) If the veteran is enrolled in an educational institution only and tuition payments are not involved, discontinuance of both subsistence and other training benefits will be effective the first day of the month in which the report was due.

The veteran, the on-the-job establishment, and/or the school, if applicable, will be notified of this action by appropriafe form letter.

(i) *Reductions in subsistence allowance because of unauthorized absences reported on VA Form 7–1963.* Subsistence allowance will be reduced for unauthorized absences reported on VA Form 7–1963 by a single adjustment in an amount representing the subsistence that would be paid for the number of days reported at the rate applicable for the month in which the adjustment is effected. For example: A veteran pursuing on-the-job training is receiving subsistence allowance at the rate of $90 per month. On VA Form 7–1963 received on May 1, 1949, five days of unauthorized absence is reported. Subsistence allowance rate for the succeeding reporting period (May–August) is restricted to the wage differential of $60 per month. VA Form 7–1907c or 7–1907c–1 will be executed to authorize only $50 for the month of May. The reduction of $10 for that month represents subsistence allowance for five days of unauthorized absence at the rate applicable ($60) for the month in which the adjustment is effected.

19. In § 21.110, paragraph (c) is added to read as follows:

§ 21.110 *Correspondence course.*

* * *

(c) The training status of veterans enrolled in correspondence schools will be interrupted effective as of the date the report of interruption or discontinuance of training is received in the Veterans' Administration: *Provided,* That in no event will the effective date of interruption or discontinuance be fixed at a date beyond 120 days following:

(1) The date of enrollment in the case of a veteran who completes no lesson or lessons, but received books, supplies and equipment in connection with lesson 1.

(2) The date the last lesson was serviced in the case of the veteran who completes a portion of the course.

20. In § 21.130, paragraph (d) (6) is amended to read as follows:

§ 21.130 *Effective dates.* * * *

(d) * * *

(6) Employability determined, the first day of the third month following the month in which employability was determined. This effective date will also apply to a subsequent determination of employability made in the case of a veteran who had been determined employable and paid subsistence allowance for two months or a part thereof and who is reinducted for additional training.

21. In § 21.131, paragraph (a) and the introductory sentence of paragraph (b) are amended to read as follows:

§ 21.131 *Minimum payment of subsistence allowance plus compensation or other benefits.* (a) Veterans pursuing vocational rehabilitation prior to January 1, 1946, under Part VII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12), were awarded increased pension in accordance with the provisions of paragraph 3 thereof. From January 1, 1946, to September 1, 1947, while pursuing vocational rehabilitation under Part VII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12), and for two months after his employability is determined, each veteran shall be paid the amount of subsistence allowance specified in in paragraph 6 of Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12); *Provided,* That the minimum payment of such allowance, plus any pension or other benefit, shall be, for a person without a dependent, $105 per month; and for a person with a dependent, $115 plus the following amounts for additional dependents: (1) $10 for one child and $7 additional for each additional child, and (2) $15 for a dependent parent.

(b) On or after September 1, 1947, while pursuing vocational rehabilitation training under Part VII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12), and for two months after his employability is determined, each veteran shall be paid the amount of subsistence allowance specified in paragraph 6 of Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12); *Provided,* That the minimum payment of such allowance, plus any compensation or other benefit shall be:

* * * * *

22. In § 21.133, paragraph (a) and (b) (2) (ii) are amended, and paragraph (e) is added, to read as follows:

§ 21.133 *Rates of subsistence allowance—*(a) *$75, $105, or $120 per month—full-time institutional training.* On or after April 1, 1948, the monthly amount of subsistence allowance payable to the veteran enrolled under Part VII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12), in a course of institutional training, as defined in § 21.104, will be the normal rate of $75, $105, or $120 per month, or more if necessary, to bring the sum of subsistence allowance and disability pension or disability compensation (including special statutory allowances) to the amount established as a minimum by the provisions of Public Law 338, 80th Congress. (Rates in effect prior to April 1, 1948, were $65 a month for a veteran without a dependent or $90 per month if he has a dependent or dependents.)

(b) *$65 or $90 per month.* * * *

(2) * * *

(ii) Subsistence allowance, when added to the trainee's monthly rate of wage or salary based upon the standard workweek exclusive of overtime, shall not be in excess of the standard beginning rate of wage or salary, exclusive of overtime payable to a journeyman or trained worker in the trade or occupation in which training is being given, similarly based upon the standard workweek exclusive of overtime. The trained worker or journeyman wage will be fixed as the rate of wage or salary to be attained at the end of the course, but in no case shall the period be longer than the first 4 years of the veteran's training. This principle applies regardless of the amount of subsistence allowance which would be indicated as payable in order to achieve the minimum payments of $105 or $115, etc., specified under Public Law 338, 80th Congress.

* * * * *

(e) *Disability compensation suspended for failure to report for physical examination.* When the disability compensation of a veteran pursuing a course under Part VII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12), is suspended for failure to report for a physical examination, he can receive only the rate of subsistence allowance authorized by paragraph 6 of Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12), so long as he persists in his refusal for physical examination.

23. Section 21.134 is amended to read as follows:

§ 21.134 *Specialized restorative training.* A veteran inducted into a course of specialized restorative training under Part VII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12), will be authorized subsistence allowance in accordance with §§ 21.130 through 21.133, except that when specialized restorative training is prescribed for the purpose of enabling the veteran to retain employment in the occupation in which he is currently employed, the rate of subsistence allowance authorized may not exceed the difference between the veteran's current rate of pay and the rate of pay which assuredly will be paid him upon completion of the prescribed course of specialized restorative training.

24. A new centerhead and § 21.150 are added to read as follows:

EDUCATION OR TRAINING IN FOREIGN COUNTRIES

§ 21.150 *Payment of book, supply, and equipment charges.* (a) On and after January 1, 1949, foreign educational institutions approved by the Veterans' Administration for the purposes of Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12), will no longer be required to furnish United States veterans with the books, supplies, and equipment generally required by the institution of all students similarly circumstanced, nor will they be required to assume any responsibility for billing the Veterans' Administration for such items required of students after that date.

(b) On and after January 1, 1949, it will be the responsibility of the individual veteran to procure and to pay from personal funds the purchase or rental cost of all items of books, supplies, and equipment which he is required by the institution to procure in connection with the course or courses he is pursuing. If it is the customary practice of the institution to furnish students with any of the required items on a rental basis, then reimbursement may be claimed for only the customary rental charge for such items. On and after that date it will also be the responsibility of the individual veteran to make claim upon the Veterans' Administration for reimbursement for such payments on VA Form 7–1964.

(c) The Veterans' Administration will not authorize payment for any books, supplies, and equipment in the absence of satisfactory evidence that they are generally required by the institution concerned of all students similarly circumstanced. The mere fact that the institution or the veteran considers an item as "desirable" or "necessary" will not meet Veterans' Administration requirements as to approval for payment. It will be incumbent upon the institution to substantiate and verify the veteran's claim by furnishing the Veterans' Administration with adequate assurance that all items for which the veteran is requesting reimbursement were generally required of all students similarly circumstanced.

(d) In the event that any veteran should file a claim for reimbursement for tuition, book, supply and equipment charges expended by him prior to January 1, 1949, the claim will be processed in accordance with the appropriate registration and research procedure.

25. Section 21.414 is hereby canceled.

§ 21.414 *Application.* [Canceled.]

26. In § 21.418, paragraphs (b), (c) (1) (i), (iii) and (iv), and (c) (2) are amended to read as follows:

§ 21.418 *Approval and disapproval of educational institutions and business or industrial establishments by State approving agency or Administrator.* * * *

(b) Authority given the Administrator to approve additional educational or training institutions will be exercised only under extraordinary circumstances. In requesting the Administrator's approval of such institutions or establishments, the manager will submit a report to the assistant administrator for vocational rehabilitation and education, Veterans' Administration, Washington 25, D. C., setting forth the circumstances necessitating the request and showing that a complete investigation has been made which indicates that the institution is qualified and equipped to offer the desired courses in accordance with the standards set up for approving a training facility for use under Part VII, Veterans Regulation 1 (a), as amended, and that in the case of "other training on the job," the establishment meets the requirements of paragraph 11, Part VIII, Veterans Regulation 1 (a), as amended.

(c) * * *

(1) * * *

(i) The manager will request a statement from the State approving agency as to the reasons for the removal of the institution from the approved list and determine whether there is a likelihood that such institution will be reapproved within a reasonable length of time. A copy of the report from the State approving agency will be forwarded promptly to the director, training facilities service, vocational rehabilitation and education, Veterans' Administration, Washington 25, D. C.

* * * * *

(iii) The manager will, upon recommendation of the Chief, vocational rehabilitation and education division, set a specified date, not to exceed 60 days from the date of revocation of approval, after which no further payments by the Veterans' Administration are to be made to the institution or to the veterans in training therein unless reapproval is received in the Veterans' Administration regional office by the expiration date. Where an educational institution is disapproved for all courses or any particular course, the registration and research section will be notified of the name, address, and assigned code number of the institution and the names of the courses affected and the effective date of such disapproval or the date specified by the manager after which no further payment may be made in accordance with the above.

(iv) When conditions warrant such action, the manager will submit a full report of the assistant administrator for vocational rehabilitation and education, Veterans' Administration, Washington 25, D. C., requesting authority to continue subsistence allowances and other payments, if any, beyond the 60-day period.

* * * * *

(2) Where the disapproval is of a training-on-the-job establishment:

(i) Where the revocation of approval by the State approving agency is based upon reasons other than failure to meet the criteria of paragraphs 11 (b), 1 and 2, Part VIII, Veterans Regulation 1 (a), as amended (see § 21.412 (c)). The procedure will be the same as for schools described in subparagraph (1) of this paragraph.

(ii) Where the revocation of approval by the State approving agency is based upon failure to meet the criteria of paragraphs 11 (b), 1 and 2, Part VIII, Veterans Regulation 1(a), as amended, the provisions of paragraph 11 (b) 3, Part VIII, will apply.

(iii) Where a training establishment is disapproved under subdivision (i) or (ii) of this subparagraph for all courses or any particular course, the registration and research section will be notified of the name, address, and assigned code number of the establishment and the names of the courses affected and the effective date of such disapproval. Registration and research section will notify each veteran enrolled in the establishment that in view of the revocation of approval by the State approving agency, the Veterans' Administration will discontinue all payments to the veteran unless he effects immediate transfer to an approved institution or establishment.

(iv) The facilities officer who has been assigned liaison functions with the State approval agency will keep in close contact with such agency and wherever possible inform the chief, training facilities section, in advance of the formal action of any disapproval. The liaison officer of the Veterans' Administration should be informed of each formal disapproval, and he will request that the State approving agency notify the Veterans' Administration as early as practicable relative to the effective date of a disapproval.

27. In § 21.519, the heading and paragraph (b) are amended and paragraphs (c) and (d) are added to read as follows:

§ 21.519 *Determination of maximum amount of payment for tuition, fees, books, supplies, and equipment where entitlement of a Part VIII veteran is extended and where a Part VIII veteran has insufficient entitlement to complete a major portion of a semester, quarter, or unit period of education or training.* * * *

(b) Where the period of entitlement of the Part VIII veteran expires before the completion of a semester, quarter or unit period of education or training, the method for determining the extension of entitlement, if any, will be in accordance with § 21.53, extension of entitlement. Section 21.53 (b) (3) (vii) provides that in all excess cost courses, payment in behalf of the veteran will not exceed the maximum dollar value of the veteran's remaining entitlement as determined by the registration officer: this maximum dollar value of remaining entitlement may be paid regardless of the time in the

course when charges for tuition, fees, supplies, etc., fall due.

(c) *Notification to institution and veteran.* (1) In any case where the Part VIII veteran has insufficient entitlement to complete a major part of a term, semester, quarter, or other appropriate unit of time, the veteran and the institution will be advised by the registration offices of the exact amount of the veteran's entitlement. The maximum amount of payment for tuition and other expenses that will be made by the Veterans' Administration to the institution on behalf of such veteran will be determined as set forth in § 21.53 and arrangements for the payment of any costs not covered by the veteran's entitlement must be made between the individual veteran and the institution in which he is enrolled. In all excess charge courses, the registration officer will record on the VA Form 7–1907c the converted dollar value of the veteran's remaining entitlement, including the dollar value of the extension of entitlement where proper, and payments in excess of this amount will not be made by the finance section.

(2) In determining the amount the Veterans' Administration will pay to the institution, it will be necessary to prorate the total of the charges in accordance with the following:

(i) Where the total charges are not in excess of the rate of $500 for a full-time course for an ordinary school year, the proration of the cost of the course will be determined by the ratio between the veteran's entitlement in length of time and the length of the course. For example, if a veteran has 6 weeks of entitlement and pursues a 16-weeks' course costing $160, the Veterans' Administration will pay 6/16 of $160 or $60. Thus the Veterans' Administration would pay $60 which would be partly applied to tuition, partly to fees, and partly to books, supplies, and equipment, or 60/160ths of the cost of each of the component parts. If the $160 consisted of $100 for tuition, $20 for fees, and $40 for books, etc., the Veterans' Administration would pay 60/160ths (37½ percent) on account of each, or $37.50 for tuition, $7.50 for fees, and $15.00 for books, etc. Arrangements for the $100 balance will then be a matter between the individual veteran and the institution in which he is enrolled.

(ii) Where the total charges are in excess of the rate of $500 for a full-time course for an ordinary school year including charges for tuition, books, supplies, equipment, and other necessary expenses, the veteran's remaining days of entitlement will be multiplied by $2.10, and the resulting amount will be the maximum payment that the Veterans' Administration will make on behalf of the veteran. For example, a veteran with three weeks of entitlement who enrolls in a course of 16 weeks for which the charge is $300 would be entitled to have paid on his behalf 21 (days) times $2.10 or $44.10. To calculate, the ratio of dollar value of remaining entitlement to the total cost of the course is determined, i. e., $44.10/300 is 14.7%. Therefore, the Veterans' Administration will pay 14.7% of the cost of each of the component parts. If the $300 consisted of $250 for tuition, $25 for fees, and $25 for books, the Veterans' Administration would pay 14.7% of each or $36.75 for tuition, $3.68 for fees, and $3.67 for books, etc.

(iii) Up to the end of the veteran's entitlement, the arrangements for payments for tuition, fees, books, etc. will be in accordance with Veterans' Administration regulations. For the balance of the period of instruction not covered by Veterans' Administration payments, arrangement will be the same as between a nonveteran and the institution, and the Veterans' Administration will not be an interested party for such a period.

(d) *Applicable limitation on payments.* The provisions for payment of the total charges to nonprofit institutions upon expiration of the acceptable refund period as set forth in § 21.656 (d), provision of payment to nonprofit institutions after expiration of refund period, are not for application in those cases where a veteran has insufficient entitlement to complete the major part of a semester, quarter, or other appropriate unit of time. Under the above circumstances, payments on behalf of a veteran for tuition, fees, books, supplies, equipment, and other necessary expenses may not exceed an amount determined in accordance with § 21.53.

28. Section 21.520 is hereby canceled.

§ 21.520 *Payment of tuition where a veteran has insufficient entitlement to complete a major portion of a semester, quarter, or unit period of education or training under Part VII, Veterans Regulation 1 (a), as amended.* [Canceled.]

29. Section 21.532 is added to read as follows:

§ 21.532 *Basis of payment for consumable instructional supplies under Parts VII and VIII, Veterans Regulation 1 (a), as amended*—(a) *Purpose.* Veterans' Administration policies governing the basis for payment to educational institutions for instructional supplies consumed in the process of instructing veterans under Parts VII and VIII, Veterans Regulation 1 (a), as amended, are provided herein. Clarification of the determination of fair and reasonable allowances which may be paid to educational institutions for instructional supplies consumed in the process of instructing veterans is also provided, along with criteria for applying such policies.

(b) *Definitions*—(1) *Consumable instructional supplies.* Those supplies which are required for instruction in the classroom, shop (school), and laboratory of the educational institution (see § 21.530 (a) (2) (iii), § 21.530 (b) (2), § 21.531 (b) (2), and § 21.614 (a) (4) (iii), which are consumed, destroyed, or expended by either the student, the instructor, or both, in the process of use and which have to be replaced at frequent intervals without adding to the value of the institution's physical property are defined as consumable instructional supplies. Examples are chalk, nails, sandpaper, paint, and consumable teaching aids. For the purpose of payment by the Veterans' Administrator, the term "consumable instructional supplies" may include virtually any items consumed, destroyed, expended, or ruined, in the process of teaching students to perform essential job operations, processes, and skills required in the course of study as recognized by regularly established institutions. Expenses for "consumable instructional supplies" are operating expenditures as distinguished from capital expenditures for equipment such as lathes, drill presses, etc. Items properly classified as consumable instructional supplies may be grouped under one of the following three classifications:

(i) Articles destroyed, consumed, expended, or ruined through active classroom use and which cannot be re-used for instructional purposes.

(ii) Classroom and laboratory articles of relatively short service life and requiring frequent replacement. (Examples: files, brushes, chisel handles, cold chisels, abrasive wheels, and center and prick punches, small shop tools consumed in sharpening and active shop use, small utensils, and small items for science laboratory such as distillation condensers.)

(iii) Fragile articles frequently broken with ordinary usage in classrooms and requiring frequent replacement. (Examples: hacksaw blades, glassware, thumb tacks, lantern slides, and porcelain insulators and tubes.)

(2) *Project.* A project may be any job, work task, or assignment in which a student makes, processes, constructs, or repairs something in the school classroom or laboratory in order to learn a phase of a course of study given in an educational institution. The project may or may not result in a useful article, and it may not require the use of supplies which can be readily salvaged and re-used for instructional purposes.

(3) *End-product.* The final or finished product resulting from the performance of a series of steps or processes involved in an assigned project. It may be a product of value which may or may not contain supplies which can be salvaged and re-used.

(c) *Policy*—(1) *General.* The Veterans' Administration utilizes educational institutions in the various states which have been approved by the appropriate State approving agency under Public Law 346, 78th Congress, as amended, for Part VIII veteran trainees, or by the Veterans' Administration under Public Law 16, 78th Congress, as amended, for Part VII disabled veterans, as qualified and equipped to furnish education and training to veterans. In order to be approved properly as qualified and equipped under the above laws, an educational institution must possess such equipment as is commonly required to be provided by the institution for the successful pursuit and completion of the students' course of study and must be in a position to provide such consumable supplies as are needed in the instructional processes.

(2) *Selection of supplies for instruction.* The institution has the responsibility for determining what projects and supplies are required for the successful pursuit of the course. The Veterans' Administration has the responsibility for determining to what extent payment will

be made to the institution for supplies furnished to eligible veterans.

(3) *Salvaging of consumable supplies.* The salvaging for re-use of consumable instructional supplies that remain in the end-product may afford the student training in certain job operations which are necessary for him to know in performing repair work in a number of occupations. (Examples: alteration of clothing; time-piece repair; radio and television repair; automobile, aircraft, and tractor repair; furniture repairing and repair work in plumbing; masonry construction; sheet metal; air-conditioning and refrigeration; electrical and carpentry.)

(d) *Basis for payment*—(1) *Limitations on payments.* The Veterans' Administration will pay for only those consumable instructional supplies which well-established educational institutions customarily require for the instruction of all students, veterans or non-veterans pursuing the same or comparable course or courses. When instructional supplies are available in several prices, grades, or quality, payments will be made only for that grade or quality which will meet the requirements of instruction recognized as adequate by well-established educational institutions in the same field of training and in the same or comparable courses. (See § 21.539 (d) (1) and (2).)

(2) *When payments may be made.* Payments may be made where one of the following conditions is met:

(i) The supplies are entirely consumed in the fabrication of the project.

(ii) The supplies used in the project are not consumed, but are of such nature that they cannot be salvaged from the end-product for re-use for further instruction by disassembling or dismantling the end-product.

(iii) All students in the course are required to complete a particular project in order to receive suitable instruction in fundamental job operations, processes, and skills of the occupation and where the supplies used in the project are consumed or expended, or cannot be salvaged from the end-product for re-use for further instruction. (Examples: small amounts of wire, solder, nails, small screws, and glue consumed in the fabrication of such projects as radio and television sets and in the repair of electrical appliances.)

(3) *When payment will not be made.* Payment will not be made:

(i) For instructional supplies which can be salvaged from an end-product for re-use. See paragraph (e) (4) of this section.

(ii) For those consumable instructional supplies used in a project which has been elected by the student as an alternate class project in order to produce an end-product of greater value than that which is normally required to learn the skills of the occupation and which will become his property upon completion. See paragraph (e) (1) of this section.

(iii) For those consumable instructional supplies used in a project which obviously has been selected by the institution to provide the student with a more elaborate end-product than is required to provide adequate instruction as an inducement to the veteran to elect a particular course of study. See paragraph (e) (1) of this section.

(iv) When the salable value of the end-product is equal to or greater than the cost of consumable instructional supplies used in its fabrication or assembly, and when a reasonable use has not been made of such supplies as may be readily salvaged from the end-product and be re-used for instructional purposes.

(v) When the end-product is of permanent value to the institution and is retained by the institution.

(vi) When a third party provides the articles or equipment for repair or improvement and for which he would otherwise pay a commercial price. (For example, repairs made to an automobile belonging to a third party (or a student) in which the instructional supplies are not expended but are not salvaged for re-use.)

(vii) When the number of projects resulting in end-products are in excess of the number commonly required to teach the recognized job operations and processes of the occupation as stipulated in the approved course of study.

(4) *Inclusion of consumable instructional supplies in tuition costs.* Consumable instructional supplies, as provided herein, which are used by the institution for instructional purposes, and which are consumed in the process of instruction, may be paid for as a part of tuition cost. (See §§ 21.530 and 21.614.) Considerable care should be exercised to differentiate between consumable instructional supplies furnished by the institution and those items which all students are required to own personally. For example, small amounts of wire, solder, small screws, etc. used in the fabrication of an instructional project such as radios, etc., are not ordinarily required to be furnished personally by the student but are provided by the institution and included in the cost thereof covered in the tuition or fees charged to the student. Under no circumstances should this type of instructional supplies be considered as a separately reimbursable item.

(e) *Criteria for analyzing cost data.* The following information will serve as additional criteria for analyzing cost data submitted by educational institutions in order that a determination may be made as to fair and reasonable compensation to be paid for consumable instructional supplies as a part of tuition rate.

(1) *Courses for which excessive amounts of supplies are frequently requested.* Apparently excessive amounts of consumable instructional supplies have frequently been included in the cost data for vocational and trade school courses, chiefly in such fields as automobile, aircraft, and tractor mechanics, air-conditioning and refrigeration, jewelry making, tailoring, watch-making, cabinet making, and the carpentry, masonry, and electrical trades.

(2) *Review of course units.* In those cases where the consumable supplies appear to be excessive, an examination of the analysis of the trade or occupation (in which are listed the required jobs and skills) should be helpful in revealing inconsistencies between the types of jobs practiced in the trade or occupation and the types of jobs selected for classroom use.

(3) *Determination of "standards" for individual situations.* The Veterans' Administration considers it impractical to develop policy and procedures in such detail as would serve as "standards" applicable to every situation that possibly may arise relative to payment for consumable instructional supplies. However, it is incumbent on Veterans' Administration contract officers to have available adequate data upon which to establish "standards" and criteria for making determinations relative to consumable supplies and to draw from the knowledge of facilities and training officers who possess specific information relative to various fields of education and training.

(4) *Items chargeable as capital equipment.* All items utilized in the fabrication of projects which may be salvaged and re-used for further instructional purposes for a period of one year or more will be considered as capital equipment and subject to depreciation as such. Such items should be excluded from the charges for consumable instructional supplies. For example, in constructing radio sets, a condenser can be salvaged and re-used a number of times; the period of useful life of such an item would determine the rate of depreciation.

(5) *Renewals and negotiation of new contracts containing items of consumable supplies.* Contracts now in effect need not be reviewed and supplemented to conform to the policy and instructions contained herein. However, in no event will a renewal or new contract be approved or be made effective which does not comply with these and other applicable Veterans' Administration regulations and instructions.

30. Section 21.539 (g) (4) is added to read as follows:

§ 21.539 *Furnished by the institution.* * * *

(g) *Necessary record at the institution to support the charge for supplies.* * * *

(4) The following will be applied relative to the retention and microfilming of necessary records at the educational institution. Receipts taken by educational institutions for books, supplies, and equipment furnished to veteran trainees covering the purchase, issuance, or reissuance of books, supplies, and equipment for veteran trainees will be maintained in good condition for at least a period of 3 fiscal years following the actual date of submission of covering vouchers to the Veterans' Administration. The receipts involved for books, supplies, and equipment ordinarily constitute the best evidence of the fact that books, supplies, etc., were furnished to veteran trainees and so will be retained and kept available for audit purposes for 3 years; such receipts may be destroyed at any time after the expiration of 3 fiscal years from the date of submission of the covering vouchers unless in specific cases their longer retention is requested by representatives of the general accounting office or the Veterans' Administra-

tion, in which event the receipts will be maintained until specific authorization exempts the institution from further retention of such receipts. In those coses where an audit, survey, or investigation of an educational institution is contemplated or is in process, the manager of the regional office will notify the educational institution in writing to retain receipts and related records pertaining to books, supplies, and equipment until specific authorization is given by the Veterans' Administration for their disposal. Notwithstanding the above provisions, educational institutions which microfilm the receipts and permanently retain the microfilm records of such receipts are authorized as an alternate procedure to destroy immediately those receipts which have been microfilmed. Microfilm records pertaining to these receipts will be kept available for the inspection and audit by the Veterans' Administration.

* * * * *

31. Section 21.610 is hereby canceled.

§ 21.610 *Subsistence payments to veterans.* [Canceled.]

(Secs. 1, 2, 46 Stat. 1016, 57 Stat. 43, secs. 300, 1500, 1501, 1502, 1503, Title II, 58 Stat. 286, 287, 291, 300, 301, secs. 5, 6, 7, 10, 11 (a), 59 Stat. 542, 624, 626, 631, secs. 1, 2, 3, 60 Stat. 124, 934, 61 Stat. 180, 451, 739, 791; 38 U. S. C. 11, 11a, 693g, 679, 697a, b, c, f, g, 701, ch. 12 notes, secs. 1, 3, Public Law 411, 80th Cong., Pub. Law 512, 80th Cong.)

PROVISIONAL REGULATIONS

32. Sections 21.186 and 21.187 of the Provisional Regulations are hereby canceled.

§ 21.186 *Policy governing withdrawals from education or training under Part VIII prior to the completion of a period of instruction.* [Canceled.]

§ 21.187 *Payment of book, supply, and equipment charges for United States veterans enrolled in courses of education under Public Law 346, 78th Congress, as amended, in Veterans' Administration-approved foreign educational institutions.* [Canceled.]

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 49-5037; Filed, June 22, 1949; 8:46 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

PART 162—LIST OF ORDERS CREATING AND MODIFYING GRAZING DISTRICTS OR AFFECTING PUBLIC LANDS IN SUCH DISTRICTS

NEVADA GRAZING DISTRICT NO. 2

CROSS REFERENCE: For addition to the tabulation contained in § 162.1, see Misc. 1619342, modifying Nevada Grazing District No. 2, under Department of the Interior, Bureau of Land Management, in the Notices section, *infra.*

Appendix—Public Land Orders

[Public Land Order 591]

CALIFORNIA

TRANSFERRING JURISDICTION OVER OIL AND GAS DEPOSITS IN CERTAIN LANDS OWNED BY UNITED STATES

Whereas the hereinafter-described parcel of land, title to which has been acquired by the United States, comprising the United States Naval Hospital Site at Long Beach, California, is reported to be subject to drainage of its oil and gas deposits by wells on adjacent lands in private ownership; and

Whereas it is necessary in the public interest that such protective action be taken as will prevent loss to the United States by reason of the drainage or threatened drainage from the said parcel of land; and

Whereas, in order to facilitate such action, it is advisable that jurisdiction over the oil and gas deposits in such land be transferred from the Department of the Navy to the Department of the Interior; and

Whereas such transfer has the concurrence of the Secretary of the Navy:

Now, therefore, by virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

1. The jurisdiction over the oil and gas deposits in the following-described parcel of land is hereby transferred from the Department of the Navy to the Department of the Interior:

That portion of secs. 34 and 35, T. 4 S., R. 12 W., San Bernardino Meridian, California, bounded by the following described lines:

On the south by the north line of Seventh Street, on the west by the easterly line of Bellflower Boulevard, on the north by the center line of said sec. 34 and its easterly prolongation, and on the east by a line parallel to the distant 395 feet easterly from the east line of said sec. 34, containing 100 acres, more or less, situated in Los Angeles County California, and shown on map of Naval Hospital Site on file in the Bureau of Land Management, file Misc. 49880.

2. The Secretary of the Interior shall take such action as may be necessary to protect the United States from loss on account of drainage or threatened drainage of oil and gas from such land.

3. The jurisdiction of the Department of the Interior over the oil and gas deposits in such land shall be subject to the primary jurisdiction of the Department of the Navy over the land for Naval purposes.

4. All moneys received as royalties under leases, or otherwise, on account of oil and gas extracted from such land shall be paid into the Treasury of the United States and credited to miscellaneous receipts.

OSCAR L. CHAPMAN,
Acting Secretary of the Interior.

[F. R. Doc. 49-4999; Filed, June 22, 1949; 8:49 a. m.]

[Public Land Order 592]

NEW MEXICO

REVOKING PUBLIC LAND ORDER NO. 230 OF MAY 10, 1944, AND RESERVING LANDS FOR USE OF ATOMIC ENERGY COMMISSION

By virtue of the authority vested in the President by the act of June 4, 1897, 30 Stat. 11, 36 (16 U. S. C. 473), and otherwise, and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

SECTION 1. Public Land Order No. 230 of May 10, 1944, withdrawing the public lands within the following-described areas in the Santa Fe National Forest for the use of the War Department as a demolition range is hereby revoked:

NEW MEXICO PRINCIPAL MERIDIAN

T. 19 N., R. 5 E.,
Secs. 1, 2, and 3, unsurveyed.
T. 20 N., R. 5 E., unsurveyed,
Sec. 22;
Sec. 23, S½;
Sec. 24, S½;
Sec. 25 to 27 and secs. 34 to 36, inclusive.
T. 19 N., R. 6 E.,
Secs. 1 to 6, inclusive;
Sec. 10, N½NE¼;
Sec. 11, lots 1, 2, NE¼, N½NW¼;
Sec. 12.
T. 20 N., R. 6 E.,
Sec. 13, S½;
Secs. 14 and 15;
Sec. 19, S½;
Sec. 20, S½;
Secs. 21 to 36, inclusive.

The areas described, including both public and non-public lands, aggregate 23,750 acres.

SEC. 2. Subject to valid existing rights, the public lands within the following-described areas in the State of New Mexico are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the United States Atomic Energy Commission, and all other lands owned by the United States within such areas are likewise reserved for the use of the said Commission:

NEW MEXICO PRINCIPAL MERIDIAN

T. 18 N., R. 5 E.,
Sec. 1, that part west of the Ramon Vigil Grant
Sec. 2;
Sec. 3, that part south and east of Baca Location No. 1
Sec. 4, that part south of Baca Location No. 1 and east of the south rim of the Canyon of Frijole Creek as shown on plat of "Preliminary Survey, South Boundary Los Alamos Project" filed in the Bureau of Land Management, Depart of the Interior
Secs. 9, 10, 11, and 12, those parts north of the south rim of the Canyon of Frijole Creek as shown on plat of survey referred to above.
T. 19 N., R. 5 E.,
Secs. 1, 2, 11 to 14 incl.
Secs. 23, 24, 25, 26 and 35
Secs. 3, 10, 15, 22, 27 and 34, those parts east of Baca Location No. 1
Sec. 36, that part west of Ramon Vigil Grant.
T. 20 N., R. 5 E.,
Secs. 22, 27 and 34, those parts east of Baca Location No. 1
Sec. 23, S½
Sec. 24, S½
Secs. 25 and 26
Secs. 35 and 36.

T. 19 N., R. 6 E.,
Secs. 1 to 24 incl.
T. 20 N., R. 6 E.,
Sec. 13, S½
Secs. 14 and 15
Sec. 19, S½
Sec. 20, S½
Secs. 21 to 36 incl.
Also, the Ramon Vigil Grant in Tps. 18 and 19 North, Rgs. 5, 6 and 7 East, excepting therefrom "Tract A" as shown on plat of survey approved December 29, 1938.

The public and non-public lands above described both surveyed and unsurveyed aggregate approximately 70,800 acres.

The reservation made by this order shall become effective at once: *Provided,* That as to any tract of land to which valid claim or claims have attached under the public-land laws prior to the date of this order such reservation shall become effective immediately upon the abandonment or extinguishment of such claim or claims for any cause.

The reservation made by this order shall be subject to the primary jurisdiction of the Department of Agriculture over the lands, and to existing withdrawals or reservations affecting any of the lands.

It is intended that the lands reserved by this order shall be returned to the administration of the Department of Agriculture and the Department of the Interior, according to their respective interests, when they are no longer needed for the purpose for which they are reserved.

OSCAR L. CHAPMAN,
Acting Secretary of the Interior.

JUNE 16, 1949.

[F. R. Doc. 49-5000; Filed, June 22, 1949; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 936]

HANDLING OF FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO REVISION OF RULES AND REGULATIONS

Consideration is being given to the proposed revision, as hereinafter set forth, of the rules and regulations (7 CFR 936.100 et seq.) that are effective pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936; 14 F. R. 2684), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California. The proposal has been submitted by the Control Committee, established under the aforesaid amended marketing agreement and order as the agency to administer the terms and provisions thereof. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. and Sup. I 601 et seq.).

The proposed revision is as follows:

1. In § 936.101 *Communications,* delete the street address "1910 Eye Street" and insert, in lieu thereof, "1515 9th Street."

2. In § 936.102 (a) *Nomination of shipper members for the Control Committee,* delete the word "February" wherever it appears and insert, in lieu thereof, "January."

3. Revise § 936.104 *Regulation by grades and sizes,* in the following respects:

a. Revise the section heading to read: "*Regulation by grades; sizes; minimum standards of quality and maturity.*"

b. Revise the provisions of paragraph (a) (1) (iv) to read as follows:

(iv) The grade or size regulation or the minimum standards of quality and maturity from which exemption is requested;

c. Revise the provisions of paragraph (a) (1) (viii) to read as follows:

(viii) The reasons why the quantity of fruit for which exemption is requested does not meet the requirements of the grades or sizes or minimum standards of quality and maturity of fruit permitted to be shipped under the particular regulation.

d. Revise the provisions of paragraph (a) (4) to read as follows:

(4) Each shipper handling fruit pursuant to an exemption certificate shall keep an accurate record of all shipments of such fruit. Such shipper, after having shipped as much fruit as authorized by an exemption certificate, shall promptly furnish, upon demand of the appropriate commodity committee or its duly authorized representative, an accurate record of each such shipment, showing the following information:

(i) Exemption certificate number;
(ii) Name of grower applicant;
(iii) Name of shipper;
(iv) Shipping point;
(v) District where fruit was produced;
(vi) Variety of fruit;
(vii) Number of packages of grower applicant's fruit included in the particular shipment which were handled other than pursuant to the exemption certificate;
(viii) Number of packages of grower applicant's fruit included in the particular shipment which were handled pursuant to the exemption certificate;
(ix) Date fruit was packed;
(x) Date fruit was shipped; and
(xi) Car or truck number or numbers in which fruit was loaded and shipped.

4. Revise paragraph (a) (2) of § 936.105 *Regulation of daily shipments* to read "the railroad yards of the Western Pacific Railroad in the cities of Sacramento, Marysville, and Portola;"

5. In § 936.109 *Reports* delete the words "confidential employee" wherever they appear and insert, in lieu thereof, "manager".

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision may do so by mailing same to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than the 10th day after publication of this notice in the FEDERAL REGISTER.

Issued this 20th day of June 1949.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 49-5040; Filed, June 22, 1949; 8:55 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR, Parts 42, 45]

ALASKAN AIR CARRIERS

PROVISIONAL MAXIMUM TAKE-OFF WEIGHT

Notice is hereby given that the Civil Aeronautics Board has under consideration a Special Civil Air Regulation as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. All communications received within 30 days from the date of publication will be considered by the Board before taking further action on the proposed rule.

The economic and correlative air safety problems involved in aviation operations within the Territory of Alaska have been of especial concern to the Board for some time. As has been pointed out on numerous occasions, the airplane is the most suitable means of transportation in that area and, as a matter of fact, many places therein are entirely dependent on air transportation for communication and supply. On the other hand, the sparsely-settled nature of the country renders it necessary at most times to carry sufficient fuel to fly to the destination and return, and also requires the carriage of much emergency gear not required in domestic operations. The additional weight thus required so reduces the payload of the older types of aircraft, which are extensively used in Alaska, as to render their operation economically unfeasible at currently established maximums. We have been advised that strict enforcement of the maximum certificated take-

off weight for aircraft, certificated under Aeronautics Bulletin No. 7–A or the normal category of Part 4a, used in Alaska would have the effect of putting so many operators out of business as to interfere seriously with the domestic economy of the Territory. This is a situation which we believe to be unique as far as the United States is concerned.

Similarly, operating conditions in Alaska differ from those in other parts of the United States. It has been stated to us by responsible operators with exemplary safety records in Alaskan operations as well as by government personnel thoroughly familiar with such operations that operating conditions in the Territory present several factors which tend toward a high level of safety with respect to aircraft performance. For example, it will be noted that all but two airports regularly used in the Territory are located at altitudes below 1,000 feet, that the terrain being traversed is at or near sea level, even the mountain passes being flown have quite a low elevation, and that during a large part of the year the temperature is quite low. These factors mean that aircraft can be flown a large part of the time under optimum performance conditions.

In addition to these factors which are inherent in Alaskan operations, many operators have reinforced the structure of these older aircraft and have installed more powerful engines, substantially increasing the climb performance of the aircraft as originally type certificated. It should also be noted that the structural strength requirements of Aeronautics Bulletin No. 7–A and the normal category of Part 4a require a strength up to 15% in excess of that currently required of newer aircraft under Part 3. This difference arises from the fact that the earlier regulations provided for limited acrobatic maneuvers in all aircraft in the lower weight range, whereas Part 3 makes separate provision for those intended for such maneuvers. Thus even without the additional strength introduced into the aircraft by some operators, there is a useable reservoir of structural strength.

In view of these considerations, the Board believes that it may be in the public interest in the development of an air transportation system properly adapted to the present and future needs of the domestic commerce of the Territory of Alaska to permit certain aircraft currently being used in the Territory to be operated at weights in excess of those maximums currently shown in the airworthiness specifications.

It is the Board's opinion that the needs of the Territory for air transportation can be met, without an undue decrease in current air safety standards, by a regulation which, within set limits, would permit the Administrator to authorize an increase in the maximum certificated weight of aircraft certificated under Aeronautics Bulletin No. 7–A or under the normal category of Part 4a of the Civil Air Regulations under the following conditions. The authorization shall be granted only to operators holding air carrier operating certificates, shall be limited to day VFR operations, and shall not exceed the weight at which the aircraft can meet the climb performance requirements of the regulation under which it was originally type certificated.

It is proposed to promulgate a Special Civil Air Regulation as follows:

1. The Administrator is hereby authorized to establish a maximum authorized weight for aircraft type certificated under the provisions of Aeronautics Bulletin No. 7–A of the Bureau of Air Commerce, dated October 1, 1934, as amended, or under the normal category of Part 4a, which are operated entirely within the Territory of Alaska by Alaskan Air Carriers as defined by § 292.2, as amended, of the Board's Economic Regulations: *Provided*, That such weight shall be authorized only for day VFR operations.

2. The maximum authorized weight hereinabove referred to shall not exceed any of the following:

(a) 12,500 pounds,

(b) 115% of the maximum weight listed on the CAA aircraft specifications,

(c) The weight at which the airplane meets the positive maneuvering load factor requirement for the normal category in § 3.21110 of the Civil Air Regulations,

(d) The weight at which the airplane meets the climb performance requirements under which it was type certificated, or

(e) The sum of the following:

(1) The weight of the aircraft empty, as equipped,

(2) The actual weight of the maximum fuel and oil capacity of the airplane,

(3) The weight of the number of persons for whom seats are provided, computed at 170 pounds per person, and

(4) The weight of the maximum allowable baggage capacity.

3. In determining the maximum authorized weight the Administrator shall also consider the structural soundness of the aircraft and the terrain to be traversed in the operation.

4. The maximum authorized weight when determined shall be entered in the operator's operation specifications.

This regulation shall terminate two years after adoption.

This regulation is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended.

(Secs. 205 (a), 601–610, 52 Stat. 984, 1007–1012, 62 Stat. 1216; 49 U. S. C. 425 (a), 551–560; Pub. Law 872, 80th Cong. 2d Sess.)

Dated: June 20, 1949, at Washington, D. C.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 49–5021; Filed, June 22, 1949; 8:53 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

United States Coast Guard

[CGFR 49–24]

TERMINATION OF APPROVAL OF EQUIPMENT

By virtue of the authority vested in me as Commandant, United States Coast Guard, by R. S. 4405 and 4491, as amended, 46 U. S. C. 375, 489; and section 101 of Reorganization Plan No. 3 of 1946, 11 F. R. 7875, 60 Stat. 1097, 46 U. S. C. 1; as well as the additional authorities cited with specific items below, the following approvals of equipment are terminated because the items of equipment covered are now manufactured under other approvals issued by the Coast Guard:

TELEPHONE SYSTEMS, SOUND POWERED

Termination of Approval No. 161.005/1/1, sound powered telephone station, selective ringing, common talking, 17 stations maximum, bulkhead mounting, splashproof, Dwg. No. 70–523–1, Alt. 3, manufactured by Henschel Corp., Amesbury, Mass. (Approved in FEDERAL REGISTER on August 6, 1948.) (Current equipment approved under Approval No. 161.005/37/2.)

Termination of Approval No. 161.005/2/1, sound powered telephone station, selective ringing, common talking, 8 stations maximum, bulkhead mounting, splashproof, Dwg. No. 70–523, Alt. 4, manufactured by Henschel Corp., Amesbury, Mass. (Approved in FEDERAL REGISTER on August 6, 1948.) (Current equipment approved under Approval No. 161.005/37/2.)

(R. S. 4417a, 4418, 4426, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended, 46 U. S. C. 367, 391a, 392, 404, 1333, 50 U. S. C. 1275; 46 CFR 32.9–4, 63.11, 79.12, 97.14, 116.10)

CONDITIONS OF TERMINATION OF APPROVALS

The termination of approvals of equipment made by this document shall be made effective upon the thirty-first day after the date of publication of this document in the FEDERAL REGISTER. Notwithstanding this termination of approval on any item of equipment, such equipment manufactured before the effective date of termination of approval may be used on merchant vessels so long as it is in good and serviceable condition.

Dated: June 17, 1949.

[SEAL] J. F. FARLEY,
Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 49–5018; Filed, June 22, 1949; 8:52 a. m.]

[CGFR 49-23]

APPROVAL OF EQUIPMENT

By virtue of the authority vested in me as Commandant, United States Coast Guard, by R. S. 4405 and 4491, as amended; 46 U. S. C. 375, 489, and section 101 of Reorganization Plan No. 3 of 1946 (11 F. R. 7875, 60 Stat. 1097, 46 U. S. C. 1), as well as the additional authorities cited with specific items below, the following approvals of equipment are prescribed and shall be effective for a period of five years from date of publication in the FEDERAL REGISTER unless sooner canceled or suspended by proper authority:

CLEANING PROCESSES FOR LIFE PRESERVERS

NOTE: Where buoyancy fillers are not removed from envelope covers during cleaning process.

Approval No. 160.006/17/0, Castle cleaning process for kapok life preservers, specifications dated May 4, 1949, submitted by Castle Carpet Cleaning Corp. 36-21 Thirty-third Street, Long Island City, N. Y.

(R. S. 4417a, 4426, 4488, 4492, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 164, 166, 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 396, 404, 481, 490, 526e, 526p, 1333, 50 U. S. C. 1275; 46 CFR 160.006-4)

BUOYANT CUSHIONS, KAPOK, STANDARD

NOTE: Cushions are for use on motorboats of classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.007/81/0, standard kapok buoyant cushion, U. S. C. G. Specification 160.007, manufactured by Flamingo Textiles, Inc., 6001 Northwest Seventh Avenue, Miami, Fla.

Approval No. 160.007/82/0, standard kapok buoyant cushion, U. S. C. G. Specification 160.007, manufactured by Hillsboro Transportation Co., Hillsboro, Ohio.

(54 Stat. 164, 166; 46 U. S. C. 526e, 526p; 46 CFR 25.4-1, 160.007)

BUOYANT CUSHION, NON-STANDARD

NOTE: Cushions are for use on motorboats of classes A, 1, and 2 not carrying passengers for hire.

Approval No. 160.008/378/2.15" x 15" x 2" rectangular buoyant cushion 20 oz. kapok, plastic film cover, plastic straps, heat-sealed seams, specifications dated May 23, 1949, manufactured by the Watertight Slide Fastener Corp., 15 Whitehall Street, New York 4, N. Y. (This approval supersedes Approval No. 160.008/378/1 published in the FEDERAL REGISTER of May 1, 1948.)

Approval No. 160.008/411/0, 17½" x 17½" x 2½" rectangular buoyant cushion, 38 oz. kapok, Dwg. No. SK 8167, dated April 27, 1949, manufactured by Chris-Craft Corp., Algonac, Mich.

Approval No. 160.008/412/0, 17½" x 20½" x 2½" rectangular buoyant cushion, 44 oz. kapok, Dwg. No. SK 8168, dated April 27, 1949, manufactured by Chris-Craft Corp., Algonac, Mich.

(54 Stat. 164, 166; 46 U. S. C. 526e, 526p; 46 CFR 25.4-1, 160.008.)

BUOYS, LIFE, RING, CORK OR BALSA WOOD

Approval No. 160.009/32/0, 30-inch cork ring life buoy, U. S. C. G. Specification 160.009, manufactured by Seaway Manufacturing Co., Inc., 511 North Solomon Street, New Orleans 19, La.

(R. S. 4417a, 4426, 4482, 4488, sec 11, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 164, 166, 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 396, 404, 475, 481, 526e, 526p, 1333, 50 U. S. C. 1275; 46 CFR 25.4-1, 33.7-1, 59.56, 60.49, 76.53, 94.53, 113.46, 160.009)

BUOYANT APPARATUS

Approval No. 160.010/17/0, buoyant apparatus, 5'0" x 2'6" elliptical shape, 7½" x 9" elliptical section, flush-net platform, solid balsa wood, 5-person capacity, Dwg. No. 3-25-49, Rev. April 20, 1949, and specifications dated March 25, 1949, Rev. April 20, 1949, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

(R. S. 4417a, 4426, 4488, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 404, 1333, 50 U. S. C. 1275; 46 CFR 37.1-1, 59.54a, 60.47a, 76.51a)

SIGNALS, DISTRESS, FLARE, RED, HAND

Approval No. 160.021/4/0, Jackson's superior, hand red flare distress signal, Dwg. No. 506, dated October 25, 1948, and revised February 17, 1949; specification dated February 17, 1949, manufactured by Samuel Jackson's Sons, Inc., Bristol, Pa.

(R. S. 4417a, 4426, 4488, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 404, 481, 1333, 50 U. S. C. 1275; 46 CFR 160.021)

DAVITS, LIFEBOAT

Approval No. 160.032/105/0, mechanical davit, Type 24-40, inboard sheath screw, approved for a maximum working load of 11,500 pounds per set (5,750 pounds per arm), using 5-part falls, identified by General Arrangement Dwg. No. DI-201-1 dated June 4, 1948 and revised April 11, 1949, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J.

Approval No. 160.032/114/0, mechanical davit, crescent sheath screw Type C-51, approval for maximum working load of 10,230 pounds per set (5,115 pounds per arm), identified by General Arrangement Dwg. No. 2614 dated April 12, 1949, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

(R. S. 4417a, 4426, 4481, 4488, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 404, 474, 481, 1333, 50 U. S. C. 1275; 46 CFR 37.1-4, 59.3, 60.21, 76.15, 94.14, 113.23)

TELEPHONE SYSTEMS, SOUND POWERED

Approval No. 161.005/37/2, sound powered telephone stations, selective ringing, common talking, drip-proof, bulkhead mounting, Dwg. No. 70-525, Alt. 5, manufactured by Henschel Corp., Amesbury, Mass. (Supersedes Approval No. 161.005/37/1 published in the FEDERAL REGISTER February 19, 1949.)

(R. S. 4417a, 4418, 4426, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended, 46 U. S. C. 367, 391a, 392, 404, 1333, 50 U. S. C. 1275; 46 CFR 32.9-4, 63.11, 79.12, 97.14, 116.10)

FIRE EXTINGUISHERS, PORTABLE, HAND, CARBON-TETRACHLORIDE TYPE

Approval No. 162.004/34/1, Pyrene 1-quart carbon tetrachloride type hand portable fire extinguisher, assembly Dwg. No. B-7992 dated July 28, 1938, Change No. 13, dated October 27, 1947, name plate Dwg. No. A-9069, dated January 17, 1940, Change No. 6, dated January 23, 1948, manufactured by Pyrene Manufacturing Co., Newark 8, N. J. (This approval supersedes Approval No. 162.004/34/0 published in the FEDERAL REGISTER July 31, 1947.)

(R. S. 4417a, 4426, 4479, 4492, 49 Stat. 1544, 54 Stat. 165, 166, 346, 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 404, 463a, 472, 490, 526g, 526p, 1333, 50 U. S. C. 1275; 46 CFR 25.5-1, 26.3-1, 27.3-1, 34.5-1, 61.13, 77.13, 95.13, 114.15)

VALVES, PRESSURE VACUUM RELIEF

Approval No. 162.017/62/0, VAREC 6" Fig. 35D, pressure vacuum relief valve, single unit, open atmospheric pattern, spring loaded pressure and vacuum pallets, bronze body; Dwg. No. C-1195-A, rev. May 11, 1949, approved for 6" inlet size for use with inflammable and combustible liquids of Grade A or lower, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

(R. S. 4417a, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 391a, 50 U. S. C. 1275; 46 CFR 32.7-4)

RANGES, LIQUEFIED PETROLEUM GAS BURNING

Approval No. 162.020/13/0, Magic Chef Hot Plate and Griddle, Model No. 810, approved by the American Gas Association, Inc., under Certificate No. 14-12-3.001 and Serial No. 1, for Liquefied Petroleum Gas Service, manufactured by the American Stove Co., 4931 Daggett Avenue, St. Louis 10, Mo.

(R. S. 4417a, 4426, 49 Stat. 1544, 54 Stat. 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 404, 463a, 1333, 50 U. S. C. 1275; 46 CFR 32.9-11, 61.25, 95.24, 114.25)

Dated: June 17, 1949.

[SEAL] J. F. FARLEY,
Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 49-5019; Filed, June 22, 1949; 8:53 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 84034]

COLORADO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS RESTORED FROM UNCOMPAHGRE PROJECT

JUNE 16, 1949.

An order of the Bureau of Reclamation dated April 16, 1948, concurred in by the Director, Bureau of Land Management, June 15, 1948, revoked the Departmental orders of July 27, 1908, October 24, 1902, and March 30, 1905, so far as they withdrew in the first form described by section 3 of the Reclamation Act of June 17, 1902, 32 Stat. 388, the following-described land in connection with the Uncompahgre Project, Colorado, and provided that such revocation shall not affect the withdrawal of any other lands by said orders or affect any other order withdrawing or reserving the land described:

SIXTH PRINCIPAL MERIDIAN

T. 15 S., R. 95 W.,
Sec. 22, NW¼NW¼.

The area described contains 40 acres.

The land is relatively level.

No application for this land may be allowed under the homestead, small tract, desert land, or any other non-mineral public land laws, unless the land has already been classified as available or suitable for such type of application, or shall be so classified upon the consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in District Land Office, Denver, Colorado, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that Title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that Title.

Inquiries concerning these lands shall be addressed to District Land Office, Denver, Colorado.

ROSCOE E. BELL,
Associate Director.

[F. R. Doc. 49–4997; Filed, June 22, 1949; 8:48 a. m.]

[Misc. 1619342]

NEVADA

MODIFYING GRAZING DISTRICT NO. 2

APRIL 13, 1949.

Under and pursuant to the provisions of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976; 43 U. S. C. 315, et seq.), subject to the limitations and conditions therein contained, and in accordance with Departmental Order No. 2468 of August 30, 1948 (43 CFR, 4.275 (80) (iv), 13 F. R. 5181), Nevada Grazing District No. 2 is modified by eliminating therefrom the following described land:

NEVADA

MOUNT DIABLO MERIDIAN

T. 37 N., R. 25 E.,
Sec. 10, N½NE¼;
Sec. 11, SW¼NE¼;
Sec. 15, Lot 3.

The area described aggregates 150.52 acres.

ROSCOE E. BELL,
Associate Director.

[F. R. Doc. 49–4998; Filed, June 22, 1949; 8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

TRANSFER OF 1948 AND 1949 FLOOD, STORM, AND NATURAL CALAMITY LOAN AUTHORITY TO FARMERS HOME ADMINISTRATION

Pursuant to the authority contained in Public Law 785, 80th Congress, approved June 25, 1948, in Public Law 71, 81st Congress, approved May 24, 1949, and in R. S. 161 (5 U. S. C. 22), *It is hereby ordered,* That:

1. Effective June 13, 1949, all authorities, powers, functions and duties vested in the Secretary of Agriculture by Public Law 785, 80th Congress and Public Law 71, 81st Congress, with respect to providing assistance to farmers whose property is destroyed or damaged as a result of floods, storms, or other natural calamity during the calendar years 1948 and 1949, are hereby transferred to the Farmers Home Administration to be exercised by the Administrator thereof.

2. Subject to my approval, the Administrator of the Farmers Home Administration may issue rules and regulations necessary for the proper exercise of the authorities and powers and for the performance of the functions and duties herein transferred.

3. In his discretion, the Administrator of the Farmers Home Administration may redelegate, upon such terms and conditions as he may prescribe, the powers and authorities herein conferred upon him. In his absence, or in the event of his disability, such powers and authorities may be exercised by the Acting Administrator.

4. The transfers ordered herein and the exercise of authorities delegated herein shall be subject to the applicable limitations and requirements of regulations of the Department of Agriculture.

5. The order of the Secretary of Agriculture dated July 9, 1948 (13 F. R. 9376) is hereby revoked.

(R. S. 161; Pub. Law 785, 80th Cong.; Pub. Law 71, 81st Cong.; 5 U. S. C. 22)

Done at Washington, D. C., this 17th day of June 1949.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 49–5012; Filed, June 22, 1949; 8:51 a. m.]

LAND UTILIZATION PROJECTS FOR WHICH FOREST SERVICE IS CUSTODIAL AGENCY

DELEGATION OF AUTHORITY TO CHIEF OF FOREST SERVICE

Pursuant to the provisions of the Bankhead-Jones Farm Tenant Act, as amended (50 Stat. 522, 56 Stat. 725; 7 U. S. C. 1000–1029), the Administrative Order of the Secretary of Agriculture dated January 13, 1940 (5 F. R. 210), as amended by Administrative Order dated April 28, 1945 (10 F. R. 4720), is hereby further amended and supplemented to read as follows:

The Chief of the Forest Service, or any employee of the Department whom he may designate in writing, is hereby specifically authorized, on behalf of the United States in connection with the land utilization projects, administered under Title III and related sections of the Bankhead-Jones Farm Tenant Act, for which the Forest Service has been or will be designated the custodial agency, to perform the functions hereinafter outlined. The requirements of Department Regulations 1712 and 3312 which conflict with this authorization are hereby waived:

SECTION 1. Execute easements, leases, and licenses for the acquisition of interests in real property.

SEC. 2. Execute easements, leases, licenses, and other forms of contracts permitting the construction and maintenance of telephone lines, pipe lines, roads, irrigation and drainage ditches, etc. (but not those power line licenses which are required by law to be granted by the Federal Power Commission), across project areas when such construction will not materially interfere with the purposes of the project.

SEC. 3. Execute leases, licenses, permits, agreements and other forms of contracts permitting the use of lands acquired, when consistent with the purposes of the project, for cropping, grazing, building occupancy, recreational and incidental purposes, provided they do not extend for more than ten years.

SEC. 4. File in the name of the United States, in accordance with the law of the state involved, applications for water rights covering waters to be impounded, impeded, or diverted in their flow by construction work contemplated in connection with the development of a project.

SEC. 5. Exercise all powers to revoke, terminate, or cancel contracts executed in accordance with the foregoing authority, or under which the United States has acquired, or may hereafter acquire, rights or obligations by virtue of the acquisition of property in the administration of the Land Conservation and Land Utilization Program, which are exercisable either by the terms of the contracts themselves or by operation of law.

SEC. 6. Exercise all functions under section 32 (c), Title III, of the aforesaid Bankhead-Jones Farm Tenant Act, as amended, incident to the exchange of such project lands, and execute deeds involved in such exchanges. The title to the land accepted in exchange shall be approved by the Solicitor prior to the completion of the exchange.

SEC. 7. Consent on behalf of the United States to States, municipalities, universities and colleges (a) granting or creating rights in favor of third parties with respect to such project lands administered under cooperative and license agreements and leases and (b) constructing dwellings on project lands so administered.

(50 Stat. 522, 56 Stat. 725, 7 U. S. C. 1000–1029)

Done at Washington, D. C., this 20th day of June 1949.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 49–5010; Filed, June 22, 1949; 8:51 a. m.]

Production and Marketing Administration

SUGARCANE IN LOUISIANA

NOTICE OF HEARING AND DESIGNATION OF PRESIDING OFFICERS

Pursuant to the authority contained in subsections (c) (1) and (c) (2) of section 301 of the Sugar Act of 1948 (61 Stat. 929; U. S. C. Sup. 1131), notice is hereby given that a public hearing will be held at Thibodaux, Louisiana, in the Grand Theater, on July 15, 1949, at 9:30 a. m.

The purpose of such hearing is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining (1), pursuant to the provisions of section 301 (c) (1) of said act, fair and reasonable wage rates for persons employed in the harvesting of the 1949 crop of sugarcane and in the planting and cultivation of sugarcane during the calendar year 1950 and (2), pursuant to the provisions of section 301 (c) (2) of said act, fair and reasonable prices for the 1949 crop of sugarcane to be paid, under either purchase or toll agreements, by processors who as producers apply for payments under said act. In order to obtain the best possible information, all interested persons are requested to appear to express their views and present appropriate data in regard to the foregoing matters.

The hearing, after being called to order at the time and place mentioned herein, may be continued from day to day within the discretion of the presiding officers and may be adjourned to a later day or to a different place without notice other than the announcement thereof at the hearing by the presiding officers.

Lawrence Myers, George A. Dice, Ward S. Stevenson, and Larry F. Diehl are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearing.

Issued this 20th day of June 1949.

[SEAL] FRANK K. WOOLLEY,
Acting Administrator.

[F. R. Doc. 49–5039; Filed, June 22, 1949; 8:55 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 3824]

ROSCOE TURNER AERONAUTICAL CORP.; TRANSFER OF CERTIFICATE

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the application of Roscoe Turner Aeronautical Corporation for approval of the transfer of its temporary certificate of public convenience and necessity for route No. 88 to Turner Airlines, Inc. and of any control or other relationship between the two companies resulting from the proposed transfer for which approval is required by the Civil Aeronautics Act.

Notice is hereby given that the above-entitled proceeding now assigned for hearing on June 21, 1949, is postponed to June 24, 1949 at 10:00 a. m. (e. d. s. t.) in Room 1011, Temporary Building No. 5, 16th Street and Constitution Avenue, NW., Washington, D. C., before Examiner Richard A. Walsh.

Dated at Washington, D. C., June 20, 1949.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 49–5020; Filed, June 22, 1949; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Project No. 2030]

NORTHWEST POWER SUPPLY CO.

NOTICE OF APPLICATION FOR LICENSE (MAJOR)

JUNE 17, 1949.

Public notice is hereby given pursuant to the provisions of the Federal Power Act (16 U. S. C. 791a–825r) that Northwest Power Supply Company, of Portland, Oregon, has made application for license for proposed major Project No. 2030 (Pelton Project) to be located on the Deschutes River in Jefferson County, Oregon. The proposed project would affect lands of the United States, including tribal and allotted lands within Warm Springs Indian Reservation and lands under the administrative supervision of the Soil Conservation Service, and would consist of a concrete arch dam approximately 190 feet high with crest length of about 850 feet creating a reservoir about 7.2 miles long with capacity of 26,000 acre-feet and surface area of about 460 acres; a separate spillway structure upstream from the dam discharging water into the river below the dam through a tunnel; penstocks; a powerhouse immediately downstream from the dam containing two 52,000-horsepower turbines connected to two 40,000-kilovolt-ampere generators; a switchyard; two transmission lines from the switchyard to points of connection with the existing Madras-Cove and Madras-Maupin transmission lines of Pacific Power & Light Company, respectively; and appurtenant facilities.

Any protest against approval of this application or request for hearing thereon, with the reasons for such protest or

request, and the name and address of the party or parties so protesting or requesting should be submitted on or before August 1, 1949, to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-4996; Filed, June 22, 1949; 8:48 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

ORGANIZATION DESCRIPTION, INCLUDING DELEGATIONS OF FINAL AUTHORITY

The organization description, including delegations of final authority, is amended to read as follows:

Sec.
I. Establishment and organization of the Housing and Home Finance Agency.
II. National Housing Council.
III. Executive Council.
IV. Office of the Administrator, organization description and delegations of final authority.

These sections supersede the organization description, including delegations of final authority, previously published in Part 751, 12 F. R. 2089–90 and 13 F. R. 5235; Section 1, 13 F. R. 8260–61; and 14 F. R. 279–80.

Nothing herein shall be construed to affect or impair any contract, remedy, right, or obligation which has accrued or will accrue by virtue of or pursuant to action previously taken under any regulation, order, operating instruction, or manual issuance in effect prior to the effective date of this revocation.

SECTION I. *Establishment and organization of the Housing and Home Finance Agency.* The Housing and Home Finance Agency was established by Reorganization Plan No. 3 of 1947, effective July 27, 1947 (12 F. R. 4981) as the single permanent agency responsible for the principal housing programs and functions of the Federal Government.

The Housing and Home Finance Agency is headed by a Housing and Home Finance Administrator who is appointed by the President, by and with the advice and consent of the Senate. The Agency is composed of the Office of the Administrator, the Home Loan Bank Board, the Federal Housing Administration, the Public Housing Administration, and the National Housing Council.

SEC. II. *National Housing Council.* The National Housing Council, established within the Housing and Home Finance Agency by Reorganization Plan No. 3 of 1947, is composed of the Housing and Home Finance Administrator as Chairman, the Federal Housing Commissioner, the Public Housing Commissioner, the Chairman of the Home Loan Bank Board, the Administrator of Veterans' Affairs or his designee, the Chairman of the Board of Directors of the Reconstruction Finance Corporation or his designee, the Secretary of Agriculture or his designee, and the Secretary of Commerce or his designee.[1] The Council serves as a medium for promoting, to the fullest extent practicable within revenues, the most effective use of the housing functions and activities administered within the Housing and Home Finance Agency and the other departments and agencies represented on said Council in the furtherance of the housing policies and objectives established by law, for facilitating consistency between such housing functions and activities and the general economic and fiscal policies of the Government, and for avoiding duplication or overlapping of such housing functions and activities.

SEC. III. *Executive Council.* The Executive Council consists of the Administrator, the Chairman of the Home Loan Bank Board, the Federal Housing Commissioner, and the Public Housing Commissioner. It serves as a medium for consideration of major policy and program matters of general concern to the Agency.

SEC. IV. *Office of the Administrator, Housing and Home Finance Agency; organization description and delegations of final authority*—(a) *Official Headquarters.* The Office of the Administrator, Housing and Home Finance Agency, is located in the Normandy Building, 1626 K Street NW., Washington 25, D. C. Written requests for information may be directed to that address. The Office of the Administrator has no field offices.

(b) *Statutory responsibilities of the Administrator.* The Administrator is responsible under Reorganization Plan No. 3 of 1947 for the general supervision and coordination of the functions of the three constituent agencies of the Housing and Home Finance Agency. He serves as Chairman of the National Housing Council.

The Administrator is also responsible for the administration and liquidation of the housing programs undertaken under the Lanham Act (54 Stat. 1125), as amended, Public Law 781, 76th Congress (54 Stat. 872), as amended, and the Temporary Shelter Acts (55 Stat. 14, 197, and 810); execution of these functions under the supervision of the Administrator has been delegated to the Public Housing Commissioner.

Under the provisions of Title III of the Housing Act of 1948 (62 Stat. 1276; 12 U. S. C. 1701 (e) and (f)), the Administrator has responsibility for undertaking and conducting research and studies to develop and promote the acceptance and application of improved and standardized building codes and regulations and methods for the more uniform administration thereof, and standardized dimensions and methods for the assembly of home-building materials and equipment.

Statutory authorities and responsibilities of the Administrator under the Alaska Housing Act (Pub. Law 52, 81st Cong.) include the purchase of obligations of the Alaska Housing Authority in order to provide working capital to the Authority to construct or extend financial aid for the construction of housing projects and for small character loans for the improvement of individual dwellings in remote areas; and the provision of technical advice and assistance to the Alaska Housing Authority.

(c) *Organization of the Office of the Administrator, Housing and Home Finance Agency.* The principal organization units in the Office of the Administrator and the functions assigned to each are described below. The head of each of these organization units reports direct to the Administrator.

1. *Division of Law.* Headed by a General Counsel; operations are carried on under the supervision of Director of the Division, who reports to the General Counsel. The Division provides all legal counsel and assistance involved in the formulation and development of the legal aspects of the Agency's policy and program, and in the performance of the responsibilities assigned to the staff of the Office of the Administrator; is responsible for developing methods for the more uniform administration of improved and standardized building codes and regulations; and represents the Administrator on legislation, public regulations, litigation, and other legal matters.

2. *Division of Information.* Headed by a Director, the Division provides information to the press, the housing industry, and the general public on housing activities of the Government generally, and Agency-wide and Office of the Administrator policies and activities.

3. *Advisory Services.* The Administrator is assisted in the conduct of certain advisory and liaison activities of his Office by three assistants:

(i) An assistant responsible for Congressional liaison and for relationships with groups and organizations having a direct interest in the activities of the Agency;

(ii) An assistant responsible for liaison with other agencies of the Government in connection with international matters affecting housing; and for providing, through the Department of State and other appropriate channels, a medium for the interchange of information pertaining to housing between this and other governments and international organizations;

(iii) An assistant responsible for advising on racial considerations in the development and execution of the Agency's policy and programs, and for maintaining liaison with minority groups and groups or organizations interested in the minority group aspects of the Agency's programs.

4. *Division of Administration.* Headed by an Assistant Administrator, the Division develops administrative management policies, programs, and procedures for Agency-wide application; provides general supervision and coordination of budgetary, fiscal, accounting, personnel, organization, and general service policies and activities in the Agency, and performs these specific functions for the Office of the Administrator.

Principal staff officers under the supervision of the Assistant Administrator

[1] Added by section 502 (a), 62 Stat. 1283; 12 U. S. C. 1701 (c).

(Administration) are the Agency Accounting Officer, Agency Personnel Officer, Agency Budget Officer, and Director, Branch of Administrative Operations.

5. *Division of Standardized Building Codes and Materials.* Headed by a Director, the Division is responsible for a program of technical research and studies to develop and promote the acceptance and application of improved and standardized building codes and regulations, and standardized dimensions and methods for the assembly of home-building materials and equipment.

In the execution of this program, the Division analyzes available technical information on the principles of modular coordination and on materials, equipment, and construction standards and testing procedures involved in the development of sound building code regulations and a uniform model building code. In areas where such data are incomplete or inadequate, it undertakes specific programs of investigation or experimentation and testing designed to complete or validate such data. The Agency has no laboratory facilities and for research requiring such facilities enters into agreements with such public or private organizations as it finds best equipped to carry out the particular research or testing project. (Contracts with State or local public agencies or instrumentalities, educational institutions, or nonprofit agencies may be entered into without regard to section 3709 of the Revised Statutes.) The Division provides technical inspection and supervision for its research contracts. The results of Agency research are made available to the public through Agency recommendations for improved and standardized building codes and regulations and through technical publications, correspondence, and contacts with interested groups.

The Division assists the Administrator in the general coordination and supervision of the architectural, engineering, and related aspects of the constituent programs.

6. *Division of Housing Data and Analysis.* Headed by a Director, the Division provides the Administrator with analyses of the effects of Agency activities on the general economy and on the housing economy and supply; reports as to operations and progress under Agency programs; and advises on policy problems of Agency and national significance in the light of analyses of housing statistics, economic developments, and Agency objectives and programs. A monthly summary of housing statistics (with information on housing production, construction costs, home financing, and public housing) and reports on other special studies are distributed upon request.

7. *Division of Lanham Act Functions.* Headed by an Assistant Administrator, the Division assists the Administrator in the discharge of his statutory responsibilities for the development, management, and disposition or removal of Federally owned housing provided under the Lanham and related acts, and in the discharge of his statutory responsibilities for facilitating the construction of housing in Alaska in accordance with the provisions of the Alaska Housing Act. With respect to these programs, the Division recommends the establishment or revision of policies, regulations, and procedures and represents the Administrator in meetings with Federal, State, and local officials and with the public.

(d) *Designation of Acting Administrator.* Pursuant to the provisions of Reorganization Plan No. 3 of 1947, and Public Law 600, 79th Congress, the officials of the Housing and Home Finance Agency hereinafter named and in the order in which they are named are hereby designated to act in the place and stead of the Housing and Home Finance Administrator with the title of "Acting Administrator" with all the powers, duties, and rights conferred upon the said Administrator by Reorganization Plan No. 3, the Housing Act of 1948, the Lanham Act (54 Stat. 1125, as amended, 42 U. S. C. Sup. 1521), the Alaska Housing Act (Pub. Law 52, 81st Cong.), and any other act of Congress or Executive Order, in the event of the absence, illness, or inability of the Administrator to act, and all such powers, duties, and rights are hereby delegated to such officials in such order and for such period as the Administrator may be absent from Washington, D. C., or unable to perform his official functions.

The following named officials, and designated in the following order, shall have authority to act as "Acting Administrator," but no official shall have authority to act as "Acting Administrator" unless all those whose names appear before his are absent from their official posts and unable to act:

(1) B. T. Fitzpatrick, General Counsel.

(2) Lewis E. Williams, Assistant Administrator (Administration).

(3) John M. Dobbs, Assistant Administrator (Lanham Act).

(e) *Delegations of final authority—*
1. *To the Public Housing Commissioner.*
(i) The Public Housing Commissioner is hereby authorized, subject to my supervision, to execute the powers and functions vested in me under the provisions of Public Laws 781 and 849 (76th Cong.) and 9, 73, and 353 (77th Cong.), as amended, including the power to make findings and determinations thereunder, except the power to make transfers to the War and Navy Departments under section 4 of Public Law 849, as amended, and to make findings, under section 313 thereof, that housing of a temporary character is still needed. The said Commissioner is further authorized, with respect to such powers and functions, and powers and functions otherwise vested in him by or pursuant to law, to execute the powers and functions vested in me pursuant to the provisions of the First War Powers Act, 1941, the act of August 7, 1946 (Pub. Law 657, 79th Cong.), the Contract Settlement Act of 1944, and the Surplus Property Act of 1944, as amended, including the power to make findings, determinations, and settlements thereunder.

(ii) The Public Housing Commissioner is hereby authorized to redelegate the authority delegated to him pursuant to paragraph (i) of this section to such officers and employees of the Public Housing Administration as he may select.

(iii) Any instruments executed by the Public Housing Commissioner, or by any officer or employee to whom the authority has been redelegated, purporting to relinquish or transfer any rights, title, or interest in or to real or personal property under the authority of this section shall be conclusive evidence of the authority of such Commissioner, officer, or employee to act for the Housing and Home Finance Administrator in executing such instruments.

2. *To the Assistant Administrator for Lanham Act functions.* The Assistant Administrator for Lanham Act functions is hereby delegated the power to execute documents relating to termination, disposition, the adoption of occupancy eligibility standards, and other actions (except transfers of jurisdiction from the Housing and Home Finance Agency to the Departments of the Army, Navy, or Air Force pursuant to section 4 of the Lanham Act, as amended (54 Stat. 1127, as amended; 42 U. S. C. 1524)) affecting housing constructed or acquired under the Lanham Act, as amended (54 Stat. 1125, as amended; 42 U. S. C. 1521), Public Law 781, 76th Congress (54 Stat. 883), and Public Laws 9, 73, and 353, 77th Congress (55 Stat. 14, 198, 818).

3. *To the Director, Branch of Administrative Operations; the Chief, Section of Office Services; and the Supervisor, Procurement and Travel Unit.* Authority is delegated to execute leases and contracts (except for purely personal services) for the Office of the Administrator, Housing and Home Finance Agency.

4. *To the Assistant Administrator for Administration and the Director, Branch of Administrative Operations.* Authority is delegated to certify vouchers for payment.

(f) *Designation of Attesting Officers.* Lewis E. Williams and Rosalind S. Jamison are designated Attesting Officers for the Office of the Administrator, Housing and Home Finance Agency, and are authorized to affix the seal of the Housing and Home Finance Agency to such documents as may require its application and to certify that copies of any and all books, records, contracts, rules, regulations, orders, or other documents are identical with the originals on file in the Office of the Administrator, Housing and Home Finance Agency.

Issued this 23d day of June 1949.

RAYMOND M. FOLEY,
Administrator.

[F. R. Doc. 49-5036; Filed, June 22, 1949; 8:55 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-2387]

CITY OF PORTO ALEGRE

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 17th day of June A. D. 1949.

The New York Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2–1 (b) promulgated thereunder, has made application to strike from registration and listing the Forty-Year 7½% Sinking Fund Gold Bonds External Loan of 1925 due January 1, 1966, "Unstamped," of City of Porto Alegre.

The reasons for striking this security from registration and listing on this exchange that are stated in the application are: (1) Holders of the above security have been offered the option to elect to accept the provisions of either one or the other of two plans, designated as "Plan A" and "Plan B," respectively; (2) Plan A provides for reduction in the interest rate to 2.25% per annum, for a cumulative sinking fund, and for extension of maturity of the original bonds to July 1, 2006; (3) Plan B provides that, in exchange for each $1,000 principal amount of original bonds, the bondholder would receive a cash payment of $130 and new 3¾% External Dollar Bonds of 1944 of the United States of Brazil in the principal amount of $500; (4) the fiscal agent has reported to the applicant exchange that of the $2,641,500 principal amount of this security outstanding at the time of the offer, $522,000 have been stamped in acceptance of Plan A, $1,924,000 have been surrendered for exchange under Plan B, and $5,000 have been retired by operation of the Plan A sinking fund, leaving outstanding $190,500 of original bonds of the above issue remaining unstamped; and (5) the outstanding amount thereof has been so reduced as to make further dealings therein on the exchange inadvisable.

Appropriate notice and opportunity for hearing have been given to interested persons and the public generally. No request has been received from any interested person for a hearing in this matter. The rules of the New York Stock Exchange with respect to striking a security from registration and listing have been complied with.

The Commission having considered the facts stated in the application, and having due regard for the public interest and the protection of investors;

It is ordered, That the application of the New York Stock Exchange to strike the Forty-Year 7½% Sinking Fund Gold Bonds External Loan of 1925 due January 1, 1966, "Unstamped" of City of Porto Alegre from registration and listing be, and the same is, hereby granted, effective at the close of the trading session on June 30, 1949.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49–5003; Filed, June 22, 1949; 8:49 a. m.]

[File No. 1–2571]

STATE OF RIO GRANDE DO SUL

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 17th day of June A. D. 1949.

The New York Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2–1 (b) promulgated thereunder, has made application to strike from registration and listing the Consolidated Municipal Loan Forty-Year 7% Sinking Fund Gold Bonds, due June 1, 1967 "Unstamped", of State of Rio Grande do Sul.

The reasons for striking this security from registration and listing on this exchange that are stated in the application are: (1) Holders of the above security have been offered the option to elect to accept the provisions of either one or the other of two plans, designated as "Plan A" and "Plan B", respectively; (2) Plan A provides for reduction in the interest rate to 2.25% per annum, for a cumulative sinking fund, and for extension of maturity of the original bonds to December 1, 2004; (3) Plan B provides that, in exchange for each $1,000 principal amount of this security, the holders would receive a cash payment of $125 and new 3¾% External Dollar Bonds of 1944 of the United States of Brazil in the princpal amount of $500; (4) the special agent under Fiscal Agency Agreement dated June 7, 1944, has reported to the applicant exchange that of the original issue of $4,000,000, $2,032,500 have been canceled, $522,500 have been stamped in acceptance of Plan A and $1,250,500 have been surrendered for exchange under Plan B, leaving outstanding $194,500 of the original bonds of this issue remaining unstamped; and (5) the outstanding amount of the security has been so reduced as to make further dealings therein on the exchange inadvisable.

Appropriate notice and opportunity for hearing have been given to interested persons and the public generally. No request has been received from any interested person for a hearing in this matter. The rules of the New York Stock Exchange with respect to striking a security from registration and listing have been complied with.

The Commission having considered the facts stated in the application, and having due regard for the public interest and the protection of investors;

It is ordered, That the application of the New York Stock Exchange to strike the Consolidated Municipal Loan Forty-Year 7% Sinking Fund Gold Bonds, due June 1, 1967, "Unstamped", of State of Rio Grande do Sul from registration and listing be, and the same is, hereby granted, effective at the close of the trading session on June 30, 1949.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49–5004; Filed, June 22, 1949; 8:50 a. m.]

[File No. 70–2160]

NEW ENGLAND ELECTRIC SYSTEM AND NEW ENGLAND POWER CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 17th day of June A. D. 1949.

Notice is hereby given that New England Electric System ("NEES"), a registered holding company, and its subsidiary public-utility company, New England Power Company ("NEPCO"), have filed a joint application pursuant to the Public Utility Holding Company Act of 1935 and have designated sections 6 (b) and 10 of the act and Rules U-23, U-42, and U-50 thereunder as applicable to the transactions proposed therein.

All interested persons are referred to said joint application which is on file in the offices of this Commission for a statement of the transactions proposed therein, which may be summarized as follows:

NEPCO proposes to issue and sell to the public under competitive bidding $5,000,000 principal amount of First Mortgage Bonds, Series C, due 1979 and also proposes to issue and sell to NEES 160,000 shares of its common stock of the par value of $20 each at $25 per share. NEES owns all of the presently outstanding common shares of NEPCO consisting of 89.8% of the total voting power of the common and preferred shares of NEPCO and proposes to acquire said 160,000 common shares for a cash consideration of $4,000,000.

NEES and NEPCO request that the proposal of NEPCO to sell the 160,000 shares of common stock and the proposal of NEES to acquire such shares be severed from the proposal of NEPCO to sell to the public $5,000,000 principal amount of bonds.

NEPCO proposes to use the proceeds from the sale of said 160,000 shares of common stock to reduce its short-term promissory note indebtedness which, as a March 31, 1949, was outstanding in the amount of $5,324,700.

The joint application indicates that the Massachusetts Department of Public Utilities, the Vermont Public Service Commission and the New Hampshire Public Service Commission have jurisdiction over the proposed issuance and sale of said 160,000 shares of common stock and that no federal commission, other than this Commission, has jurisdiction over the acquisition of such shares by NEES. The joint application states that incidental services in connection with the issuance and sale of said 160,000 shares of common stock will be performed by New England Power Service Company, an affiliated service company, at the actual cost thereof, estimated not to exceed $2,000 with respect to NEPCO and not to exceed $500 with respect to NEES. In addition, NEPCO will pay a filing fee of $1,600 to the Commonwealth of Massachusetts and will pay a Federal Stamp Tax of $3,520 on the proposed issue.

NEES and NEPCO request that the Commission's order become effective upon the issuance thereof.

Notice is further given that any interested person may, not later than June 28, 1949, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest, and the issues of fact or law raised by said joint application which he

desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after June 28, 1949, said joint application insofar as it relates to the proposal of NEPCO to issue common stock and of NEES to acquire the same, as filed or as amended, may be granted as provided by Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided by Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49-5005; Filed, June 22, 1949; 8:50 a. m.]

[File No. 70-2164]

NEW ENGLAND ELECTRIC SYSTEM AND NARRAGANSETT ELECTRIC CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 17th day of June A. D. 1949.

Notice is hereby given that New England Electric System ("NEES"), a registered holding company, and its subsidiary public utility company, The Narragansett Electric Company ("Narragansett") have filed a joint application with this Commission pursuant to the Public Utility Holding Company Act of 1935 and have designated sections 6 (b) and 10 of the act and Rule U-23 thereunder as applicable to the transactions proposed therein.

All interested persons are referred to said joint application which is on file in the offices of this Commission for a statement of the transactions proposed therein, which may be summarized as follows:

Narragansett proposes to issue and sell 60,000 additional shares of common stock of the par value of $50 each and NEES, the owner of all of the presently outstanding common stock of Narragansett, proposes to acquire said additional shares for a cash consideration of $3,000,000. Narragansett proposes to use the proceeds derived from said sale to reduce its short-term note indebtedness which, as at the end of March 1949, amounted to $4,300,000.

The joint application states that incidental services in connection with the proposed transactions will be performed by New England Power Service Company, an affiliated service company, at the actual cost thereof, estimated not to exceed $2,000 with respect to Narragansett and $500 with respect to NEES. The total expenses to be borne by Narragansett are estimated at $5,600. The joint application further states that the Public Utility Administrator, Department of Business Regulation, of the State of Rhode Island, has jurisdiction over the proposed sale of common stock by Narragansett and that no state commission or federal commission, other than this Commission, has jurisdiction over the acquisition of said stock by NEES.

NEES and Narragansett request that the Commission's order herein become effective upon the issuance thereof.

Notice is further given that any interested person may, not later than June 28, 1949, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest, and the issues of fact or law raised by said joint application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after June 28, 1949, said joint application, as filed or as amended, may be granted as provided by Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided by Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49-5006; Filed, June 22, 1949; 8:50 a. m.]

[File No. 812-599]

UNITED STATES & INTERNATIONAL SECURITIES CORP. AND DEVON SECURITIES CORP.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 17th day of June A. D. 1949.

Notice is hereby given that United States & International Securities Corporation, a registered investment company (hereinafter called "International") and Devon Securities Corporation, also a registered investment company (hereinafter called "Devon") have filed an application pursuant to section 6 (c) of the Investment Company Act of 1940 for an order of the Commission exempting from the provisions of section 18 (a) (1) of the act a proposed issue by Devon to International of a nontransferable two-year 4% note in a principal amount not to exceed $3,000,000.

Section 18 (a) (1) (A) provides that it shall be unlawful for a registered closed-end company to issue any class of senior security or to sell any such security of which it is the issuer unless, if such class of security represents an indebtedness, immediately after such issuance or sale, it will have an asset coverage of at least 300 per centum. The note proposed to be issued by Devon will not have the asset coverage required by section 18 (a) (1) (A) of the act; hence the application for exemption.

Devon is a recently formed and wholly owned subsidiary of International. It has a total authorized capital of 20,000 shares of capital stock of the par value of $1 per share, of which ten shares have heretofore been issued by Devon and are owned by International. The note which is the subject matter of this application together with additional stock of Devon are to be issued by Devon to International in exchange for and upon the transfer of certain portfolio securities of International to Devon.

The proposed transfer is part of a program of International to sell and transfer certain securities on which it has unrealized profits and to apply the profits so realized towards the restoration of a special reserve the effect of which will be to make possible the payment of dividends on its second preferred stock and common stock. In addition, International proposes to offset the profits with substantial loss carry-overs incurred in prior years. The program and attending circumstances are as follows: International by a charter amendment dated December 16, 1929, reduced the stated value of its second preferred stock by the sum of $9,475,000 and transferred that amount to a special reserve. The charter amendment provides that if the special reserve shall be reduced, no dividend shall be paid on the second preferred stock or the common stock of International until an amount equal to such reduction shall be credited to the special reserve. The special reserve has been reduced, in part through losses incurred in past years, to $103,101.53 and International, therefore has not been in a position to pay dividends on its second preferred stock and common stock. Thus in 1947 and 1948 dividends paid on its first preferred stock amounted to less than 90% of International's net ordinary income, with the result that it was taxed as an ordinary corporation instead of being able to obtain the benefits of being taxed as a regulated investment company under Supplement Q of the Internal Revenue Code. In order to obtain such benefits a company is required, among other things, to pay out not less than 90% of net income, exclusive of capital gains, as dividends.

In order to remedy this situation and to qualify as a regulated investment company under Supplement Q, International proposes to sell and transfer certain portfolio securities on which it has an unrealized profit and to credit the profits together with certain available surplus accounts to the special reserve. It proposes (a) to sell certain securities at current market prices to United States & Foreign Securities Corporation (hereinafter called "Foreign"), also a registered investment company of which International is an affiliated person,[1] (b)

[1] The sale is the subject of another application by International (and Foreign) for an order under Section 17 (b) of the Act exempting the proposed sale from the provisions of Section 17 (a) of the Act. International has outstanding three classes of stock, first preferred, second preferred and common. Foreign owns approximately 99% of the second preferred stock and approximately 80% of the common stock, of International. The common stock is the only class of stock entitled to vote, so that Foreign owns approximately 80% of the outstanding voting securities of International, which ownership by reason of the provisions of Section 2 (a) (3) (B) of the Act results in International being an affiliated person of Foreign. Accordingly Section 17 (a) (1) of the Act would prohibit the proposed sale of securities by International to Foreign in the absence of an order pursuant to Section 17 (b) of the Act.

to sell certain securities on stock exchanges or in the open market, and (c) to transfer other securities to Devon, also at current market prices. The following table shows the securities proposed to be sold, the approximate cost of such securities, the approximate sale price of such securities (based on June 8, 1949 closing prices) and the approximate profit to be realized by International.

SECURITIES TO BE SOLD BY INTERNATIONAL TO FOREIGN

Number of shares	Name of security	Approximate cost of security to International	Approximate sales price based on June 8, 1949, closing price	Approximate profit to be realized by International
17,500	Amerada	$367,500	$1,697,500	$1,330,000
22,500	Louisiana Land	67,500	390,937	323,437
	Total	435,000	2,088,437	1,653,437

SECURITIES TO BE SOLD BY INTERNATIONAL ON STOCK EXCHANGES OR IN THE OPEN MARKET

18,200	Eastern Air Line	$163,800	$245,700	$81,900
4,000	United Fruit	107,500	179,500	72,000
	Total			153,900

SECURITIES TO BE TRANSFERRED BY INTERNATIONAL TO DEVON

11,000	Amerada	$231,000	$1,067,000	$836,000
52,000	Louisiana Land	156,000	903,500	747,500
6,000	Abbott Laboratory	94,500	225,000	130,500
5,000	Dow Chemical	157,500	225,000	67,500
4,500	United Fruit	132,000	201,937	69,937
8,000	Celanese	104,000	200,000	96,000
1,000	Superior Oil	74,000	131,000	57,000
3,000	Humble Oil	93,000	217,500	124,500
4,000	Monsanto	112,000	197,000	85,000
3,500	Standard Oil of N. J.	140,000	222,687	82,687
6,000	H. L. Green	78,000	218,250	140,250
5,000	May Dept	115,000	199,375	84,375
5,000	Penney, J. C.	145,000	230,000	85,000
6,000	Sears, Roebuck	132,000	210,750	78,750
5,000	Eastman Kodak	148,000	199,375	51,375
3,000	American Chicle	103,500	127,125	23,625
	Total	2,015,500	4,775,499	2,759,999
	Grand total			4,567,336

The above information is stated on the basis of closing market prices on June 8, 1949, and is therefore tentative and subject to modification in the event of changes in market prices at the time the proposed sales and transfer are made (the above figures have in most instances been rounded out to the nearest even thousand). By sales in the market since January 1, 1949, profits have already been realized in the amount of $1,129,013. The object will be to realize additional profits through the program above outlined in order that the aggregate profits will be approximately $5,700,000. International has, in addition, over $4,000,000 of net ordinary income and realized profit on investments which can be credited to the special reserve.

The securities to be sold to Foreign will be sold for cash. The securities to be transferred to Devon will be transferred in exchange for all the remaining unissued capital stock of Devon and its two-year 4% note. The note will be in an amount equal to or slightly larger than the amount of the profit realized by International from the transfer. The note will be non-transferable. Interest on the note will be payable semi-annually and the principal may be prepaid in whole or in part at the option of International with interest to the date of prepayment. Devon plans, at such time as the securities held by it are liquidated, to make payments to International reducing the amount of the note. The stock to be issued by Devon to International will be issued on the basis of one share of stock for each $100 market value of securities to be transferred by International to Devon. The total amount of stock to be issued on such basis will be equal (within $100) to the difference between the total market value of the securities to be transferred by International to Devon and the amount of the note to be issued by Devon. Inasmuch as the stock of Devon has a par value of $1 per share and is to be issued on the basis as above stated at $100 per share the difference of $99 per share will be credited to the capital surplus of Devon. Devon plans not to increase the authorized number of shares of its capital stock and to remain at all times during its existence a wholly owned subsidiary of International.

In the opinion of Shearman & Sterling & Wright, counsel for Foreign and International the foregoing program involving the sale and transfer of securities by International will result in the realization of profits recognized as taxable under the terms of the Internal Revenue Code but will require no payment of income tax because such profits will be offset by loss carry-overs. International sustained a capital loss in 1944 of $7,098,061.38 of which $1,418,694.93 has been claimed as a capital loss carry-over against capital gains realized in 1945 to 1948 inclusive. The unused balance of $5,679,366.45 can be claimed to offset undistributed capital gains up to that amount in 1949, but said carry-over expires at the end of 1949. In addition, a 1948 capital loss of $347,718.36 can be claimed as a capital loss carry-over against capital gains realized in 1949 and subsequent years through 1953 making a total loss carry-over available in 1949 of $6,027,084.81.

All interested persons are referred to said application which is on file in the offices of the Commission for a detailed statement of the proposed transactions and the matters of fact and law asserted.

Notice is further given that an order granting the application may be issued by the Commission on or at any time after June 28, 1949, unless prior thereto a hearing upon the application is ordered by this Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may submit to the Commission in writing, not later than June 27, 1949, at 5:30 p. m., his views or any additional facts bearing upon the application or the desirability of a hearing thereon, or a request to the Commission that a hearing be held thereon. Any such communication or request should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issue of fact or law raised by the application which he desires to controvert. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington, D. C.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49-5007; Filed, June 22, 1949; 8:50 a. m.]

[File No. 812-598]

UNITED STATES & INTERNATIONAL SECURITIES CORP. AND UNITED STATES & FOREIGN SECURITIES CORP.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 17th day of June A. D. 1949.

Notice is hereby given that United States & International Securities Corporation, a registered investment company (hereinafter called "International") and United States & Foreign Securities Corporation, also a registered investment company (hereinafter called "Foreign"), have filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 for an order of the Commission exempting from the provisions of section 17 (a) of the act a proposed sale by International to Foreign of 17,500 shares of stock of Amerada Petroleum Corporation (hereinafter called "Amerada") and 22,500 shares of stock of Louisiana Land & Exploration Company (hereinafter called "Louisiana Land") at current market prices.

International has outstanding three classes of stock, first preferred, second preferred and common. Foreign owns approximately 99% of the second preferred stock and approximately 80% of the common stock, of International. The common stock is the only class of stock entitled to vote so that Foreign

owns approximately 80% of the outstanding voting securities of International, which ownership, by reason of the provisions of section 2 (a) (3) (B) of the act, results in International being an affiliated person of Foreign. Accordingly, section 17 (a) (1) of the act would prohibit the proposed sale of securities by International to Foreign in the absence of an order pursuant to section 17 (b) of the act.

The proposed sale is part of a program of International to sell and transfer certain securities on which it has unrealized profits and to apply the profits so realized towards the restoration of a special reserve, the effect of which will be to make possible the payment of dividends, under an existing charter restriction, on its second preferred stock and common stock. In addition, International proposes to offset the profits with substantial loss carry-overs incurred in prior years. The program and attending circumstances are as follows. International by a charter amendment dated December 16, 1929, reduced the stated value of its second preferred stock by the sum of $9,475,000 and transferred that amount to a special reserve. The charter amendment provides that if the special reserve shall be reduced, no dividend shall be paid on the second preferred stock or the common stock of International until an amount equal to such reduction shall be credited to the special reserve. The special reserve has been reduced, in part through losses incurred in past years, to $103,101.53 and International, therefore, has not been in a position to pay dividends on its second preferred stock and common stock. Thus in 1947 and 1948 dividends paid on its first preferred stock amounted to less than 90% of International's net ordinary income, with the result that it was taxed as an ordinary corporation instead of being able to obtain the benefits of being taxed as a regulated investment company under Supplement Q of the Internal Revenue Code. In order to obtain such benefits, a company is required, among other things, to pay out not less than 90% of its net income exclusive of capital gains, as dividends.

In order to remedy this situation and to qualify as a regulated investment company under Supplement Q, International proposes to sell and transfer certain portfolio securities on which it has an unrealized profit and to credit the profits together with certain available surplus accounts to the special reserve. It proposes (a) to sell to Foreign at current market prices the securities which are the subject matter of this application, (b) to sell certain securities on stock exchanges or in the open market, and (c) to transfer other securities, also at current market prices, to Devon Securities Corporation, a registered investment company (hereinafter called "Devon") which was recently formed and is a wholly-owned subsidiary of International. Devon has an authorized capital of 20,000 shares of capital stock of which 10 shares have heretofore been issued by Devon and are owned by International. The following table shows the securities proposed to be sold, the approximate cost of such securities, the approximate sales price of such securities (based on June 8, 1949, closing prices), and the approximate profit to be realized by International.

SECURITIES TO BE SOLD BY INTERNATIONAL TO FOREIGN

Number of shares	Name of security	Approximate cost of security to International	Approximate sales price based on June 8, 1949, closing price	Approximate profit to be realized by International
17,500	Amerada	$367,500	$1,697,500	$1,330,000
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11,000	Amerada	$231,000	$1,067,000	$836,000
52,000	Louisiana Land	156,000	903,500	747,500
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1,000	Superior Oil	74,000	131,000	57,000
3,000	Humble Oil	93,000	217,500	124,500
4,000	Monsanto	112,000	197,000	85,000
3,500	Standard Oil of N. J	140,000	222,687	82,687
6,000	H. L. Green	78,000	218,250	140,250
5,000	May Department	115,000	199,375	84,375
5,000	Penney, J. C	145,000	230,000	85,000
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5,000	Eastman Kodak	148,000	199,375	51,375
3,000	American Chicle	103,500	127,125	23,625
	Total	2,015,500	4,775,499	2,759,999
	Grand total			4,567,336

The above information is stated on the basis of closing market prices on June 8, 1949, and is therefore tentative and subject to modification in the event of changes in market prices at the time the proposed sales and transfer are made. (The above figures have, in most instances, been rounded out to the nearest even thousands.) By sales in the market since January 1, 1949, profits have already been realized in the amount of $1,129,013. The object will be to realize additional profits through the program above outlined in order that the aggregate profits will be approximately $5,700,000. International has, in addition, over $4,000,000 of undistributed net ordinary income and realized profit on investments which can be credited to the special reserve.

The securities to be sold to Foreign will be sold for cash. The securities to be transferred to Devon will be transferred in exchange for all the remaining unissued capital stock of Devon and its two-year 4% note. The note will be in an amount equal to or slightly larger than the amount of the profit realized by International from the transfer.[1] The note will be non-transferable. Devon plans, at such time as the securities held by it are liquidated, to make payments to International reducing the amount of the note. The stock to be issued by Devon to International will be issued on the basis of one share of stock for each $100 market value of Securities to be transferred by International to Devon. The total amount of stock to be issued on such basis will be equal (within $100) to the difference between the total market value of the securities to be transferred by International to Devon and the amount of the note to be issued by Devon. Inasmuch as the stock of Devon has a par value of $1 per share and is to be issued on the basis as above stated at $100 per share the difference of $99 per share will be credited to the capital surplus of Devon.

In the opinion of Shearman & Sterling & Wright, counsel for Foreign and International, the foregoing program involving the sale and transfer of securities by International will result in the realization of profits recognized as taxable under the terms of the Internal Revenue Code but will require no payment of income tax because such profits will be offset by loss carry-overs. International sustained a capital loss in 1944 of $7,098,061.38 of which $1,418,694.93 has been claimed as a capital loss

[1] The issue of the note is the subject matter of another application by International (and Devon) for an order of the Commission under Section 6 (c) of the Act exempting from paragraph 1 of Section 18 (a) of the Act the issue by Devon to International of a non-transferable two-year 4% note in a principal sum not to exceed $3,000,000 in connection with the proposed transfer. Section 18 (a) (1) (A) provides that it shall be unlawful for a registered closed-end company to issue a security representing an indebtedness unless immediately after such issuance it will have an asset coverage of at least 300 per centum. The note to be issued by Devon will not have the required asset coverage (see File No. 812-599).

carry-over against capital gains realized in 1945 to 1948 inclusive. The unused balance of $5,679,366.45 can be claimed to offset undistributed capital gains up to that amount in 1949, but said carry-over expires at the end of 1949. In addition, a 1948 capital loss of $347,718.36 can be claimed as a capital loss carry-over against capital gains realized in 1949 and subsequent years through 1953 making a total loss carry-over available in 1949 of $6,027,084.81.

International now owns 55,000 shares of Amerada and 95,000 shares of Louisiana Land. These are International's two largest investments together comprising about 20% of its total investments. It also has its largest unrealized profits in them. Foreign now owns 20,000 shares of Amerada and 50,000 shares of Louisiana Land. After completion of the above program Foreign will own 37,500 shares of Amerada and 72,500 shares of Louisiana Land, and International, together with Devon, its wholly owned subsidiary, will own an equal number of shares of each company.

All interested persons are referred to said application which is on file in the offices of the Commission for a detailed statement of the proposed transactions and the matters of fact and law asserted.

Notice is further given that an order granting the application may be issued by the Commission on or at any time after June 28, 1949, unless prior thereto a hearing upon the application is ordered by this Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may submit to the Commission in writing, not later than June 27, 1949, at 5:30 p. m., his views or any additional facts bearing upon the application or the desirability of a hearing thereon, or a request to the Commission that a hearing be held thereon. Any such communication or request should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington, D. C.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49-5008; Filed, June 22, 1949; 8:50 a. m.]

[File No. 70-2068]

PORTLAND GAS & COKE CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION IN CERTAIN MATTERS AND GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 16th day of June A. D. 1949.

Portland Gas & Coke Company ("Portland"), a gas utility subsidiary of American Power & Light Company, a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, having filed an application, and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935, regarding the proposed issue and sale of $3,500,000 principal amount of 25-year First Mortgage Bonds; the proceeds from the proposed bond issue to be used to pay $2,000,000 of Portland's 4% notes held by Mellon National Bank and Trust Company, maturing, as extended, on July 12, 1949, and the balance to be used for partial prepayment of Portland's 3⅛% installment notes maturing from 1950 to 1957, also held by Mellon National Bank and Trust Company; Portland having requested that the issue and sale of said bonds be exempted from the competitive bidding requirements of paragraphs (b) and (c) of Rule U-50; the Commission having by its memorandum opinion and order, dated March 23, 1949, granted the requested exemption from competitive bidding but having reserved jurisdiction to pass upon all other phases of the application with respect to said bond issue pursuant to section 6 (b) of the act, including the interest rate, price to be paid, the terms of the supplemental indenture, and other terms and conditions with respect to the proposed bonds; and, Portland having filed a further amendment herein setting forth that after negotiations through The First Boston Corporation, acting as a finder for Portland, with eight separate prospective purchasers, an agreement has been entered into between Portland and Metropolitan Life Insurance Company for the sale of said bonds of Portland; said agreement providing that the price to be paid to Portland for said bonds, which are to have an interest rate of 3⅞% and which are not to be resold to the public, will be 100.5% of the principal amount thereof; and

The record also having been completed with respect to expenses incurred or to be incurred in connection with the proposed transactions in the amount of $40,525, including a finder's fee and counsel fees as follows:

The First Boston Corp	$13,125
Reid & Priest, New York counsel for Portland	4,500
Laing Gray & Smith, general counsel for Portland	2,250
Davis Polk Wardwell Sunderland & Kiendl, counsel for the purchaser	3,500

and it appearing to the Commission that such expenses including legal fees are not unreasonable; and

The Commission having examined said amendment and finding that the proposed issue and sale of bonds have been expressly authorized by the Commissioner of Public Utilities of the State of Oregon, in which State Portland is organized and doing business, and by the Washington Public Service Commission, and having considered the record as completed at a reconvened hearing and finding no basis for the imposition of terms and conditions with respect to such matters other than those contained in Rule U-24;

It is ordered, That the jurisdiction heretofore reserved with respect to the issue and sale of said bonds, the results of negotiations, the payment of fees and expenses, and other matters in connection with the proposed transactions be, and the same hereby is, released and that the application as further amended, be, and the same hereby is, granted, subject to the terms and conditions prescribed by Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49-5009; Filed, June 22, 1949; 8:51 a. m.]

UNITED STATES MARITIME COMMISSION

MISSISSIPPI SHIPPING CO., INC.

NOTICE OF INVITATION FOR BIDS FOR CONSTRUCTION OF PASSENGER-CARGO VESSEL

Notice is hereby given that the United States Maritime Commission invites sealed bids from American citizens (including individuals, corporations, associations, firms, and partnerships) to be received by this Commission before 11:00 a. m. e. s. t., August 22, 1949, for the construction of a "single screw Diesel electric passenger-cargo vessel, design P2-ME1-EA1 and P2-ME1-EB1" for the Mississippi Shipping Company, Inc. Copies of the Invitation for Bids giving further information as to requirements may be obtained upon request.

All inquiries shall be directed to the United States Maritime Commission, Washington 25, D. C.

Dated: Washington, D. C., June 20, 1949.

By the Commission.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 49-5015; Filed, June 22, 1949; 8:52 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 13415]

PAUL SUHM

In re: Estate of Paul Suhm, deceased. File No. D-28-12219; E. T. sec. 16431.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Sophia Suhm, Elizabeth Nolte, and Ingeborg Krepata whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the estate of Paul Suhm, deceased,

is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by the Public Administrator of New York County, as Administrator, acting under the judicial supervision of the Surrogate's Court, New York County, New York;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 14, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-5023; Filed, June 22, 1949; 8:53 a. m.]

[Vesting Order 13360]

NIPPON COLUMBIA CO., LTD.

In re: Debt owing to and contract interests of Nippon Columbia Company, Ltd.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Nippon Columbia Company, Ltd., the last known address of which is Kawasaki, Kanagara Prefecture, Japan, is a corporation organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation owing to Nippon Columbia Company, Ltd. by Columbia Records, Inc., 799 Seventh Avenue, New York, New York, in the amount of $990.55, as of April 8, 1949, arising out of accrued pressing fees for records pressed pursuant to those certain agreements described in subparagraph 2b hereof, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

b. All interests and rights (including all pressing fees and other monies payable or held with respect to such interests and rights and all damages for breach of the agreements hereinafter described, together with the right to sue therefor) created in Nippon Columbia Company, Ltd. by virtue of agreements entered into in 1936 (including all modifications thereof and supplements thereto, if any) by and between Columbia Phonograph Company, Inc. and Brunswick Record Corporation and Nipponophone Company, Ltd., which agreements relate, among other things, to certain master records in the Japanese language, now in possession of Columbia Records, Inc. pursuant to the aforesaid agreements by and between Columbia Phonograph Company, Inc. and Brunswick Record Corporation and Nipponophone Company, Ltd.,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 1, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-5022; Filed, June 22, 1949; 8:53 a. m.]

[Vesting Order 13418]

YOSHI GOTOH

In re: Bank account owned by Yoshi Gotoh, also known as Yoshi Goto. D-39-19229-E-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yoshi Gotoh, also known as Yoshi Goto, whose last known address is Osaka, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Yoshi Gotoh, also known as Yoshi Goto, by Security First National Bank, Sixth and Spring Streets, Los Angeles, California, arising out of a term account, account number 10015, entitled Yoshi Gotoh, maintained at the branch office of the aforesaid bank located at 1051 South Broadway, Los Angeles, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Yoshi Gotoh, also known as Yoshi Goto, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 14, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-5025; Filed, June 22, 1949; 8:53 a. m.]

[Return Order 349]

HENNY MONHEIMER STERNBERG AND LISELOTTE-LILO STERNBERG

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Henny Monheimer Sternberg, New York, N. Y.; Claim No. 13340; April 23, 1949 (14 F. R. 2040); $1,669.39 in the Treasury of the United States. All right, title, and interest

of Henny Monheimer Sternberg in and to a trust created under paragraph "NINTH" of the will or Sara M. Frank, deceased, for the benefit of Henny Monheimer Sternberg for her life, remainder to Lilo Sternberg. One-third of all right, title, and interest in and to a trust created under paragraph "NINTH" of the will of Sara M. Frank, deceased, for the benefit of Heinrich Monheimer and his issue.

Liselotte-Lilo Sternberg, a/k/a Lilo Sternberg, New York, N. Y.; Claim No. 13340; April 23, 1949 (14 F. R. 2040); All right, title, and interest of Lilo Sternberg in and to a trust created under paragraph "NINTH" of the will of Sara M. Frank, deceased, for the benefit of Henny Monheimer Sternberg for her life, remainder to Lilo Sternberg.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on June 17, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-5029; Filed, June 22, 1949; 8:54 a. m.]

LAJOS AND ERZSEBET KLEIN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Lajos and Erzsebet Klein, Kispest, Hungary; 11624; $1,786.19 in the Treasury of the United States in equal parts to the claimants. All right, title, interest and claim of any kind or character whatsoever of Margaret Klein in and to the Estate of Cili Eisner, a/k/a Celie Eisner, Celia K. Eisner, Celia Eisner and Cili Klein, deceased, in equal shares to the claimants.

Executed at Washington, D. C., on June 17, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-5034; Filed, June 22, 1949; 8:54 a. m.]

LUPU JOSEPH ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Lupu Joseph, a/k/a Lupu Iosop, Bucharest, Roumania, 29284; $3,672.09 in the Treasury of the United States and one United States Savings Bond, Series E, Numbered 1009614 in the face amount of $100.00, issued as of July 1, 1941, due July 1, 1951, registered in the name of Mrs. Goldie Zinner, presently in custody of the Safekeeping Department of the Federal Reserve Bank, New York, New York.

Eva Joseph Goldstein, a/k/a, Hava Iosef, Bucharest, Roumania, 29285; $3,750.09 in the Treasury of the United States.

Rachel Joseph, a/k/a, Rasela Ioseb, Bucharest, Roumania, 29286; $3,750.09 in the Treasury of the United States.

Sonia Goldstein, Bucharest, Roumania; 29287; $3,700.17 in the Treasury of the United States.

Bernard Joseph, a/k/a, Burach Iosif, Bucharest, Roumania; 13179; $3,750.09 in the Treasury of the United States. All right, title, interest and claim of any kind or character whatsoever of Lupu Joseph, Eva Joseph Goldstein, Rachel Joseph, Sonia Goldstein and Bernard Joseph, and each of them, in and to the Trust under the Will of Goldie Zinner, deceased.

Executed at Washington, D. C., on June 17, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-5033; Filed, June 22, 1949; 8:54 a. m.]

MARIE CLAVEL ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Marie, Antonine, Felix, Germain, Marcel Clavel, 73 Boulevard Camille Flemmarion, Marseille, France; 36413; Property to the extent owned by claimant immediately prior to the vesting thereof, described in Vesting Order No. 3430 (9 F. R. 6464, June 13, 1944; 9 F. R. 13768, November 17, 1944), relating to the literary work entitled "Terres Et Gens De France" (listed in Exhibit A of said vesting order), including royalties pertaining thereto in the amount of $39.93.

Executed at Washington, D. C., on June 17, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-5031; Filed, June 22, 1949; 8:54 a. m.]

RUSSELL P. HARSHBERGER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Russell P. Harshberger, Altadena, Calif.; 30398, Property described in Vesting Order No. 201 (8 F. R. 625 (January 16, 1943), relating to United States Letters Patent Nos. 2,054,287 and 2,054,418.

Executed at Washington, D. C., on June 17, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-5032; Filed, June 22, 1949; 8:54 a. m.]

[Return Order 356]

ERNST JOHAN JENS HENRIKSEN

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Ernst Johan Jens Henriksen, Copenhagen, Denmark, Claim No. 11589, May 5, 1949 (14 F. R. 2248), Property described in Vesting Order No. 664 (8 F. R. 4989, April 17, 1943) relating to United States Letters Patent Nos. 2,160,734 and 2,175,524, including all interests and rights created in the Attorney General by virtue of a license agreement relating to said patents (License No. 2285-F, dated July 22, 1947) entered into by and between the Attorney General and Roldex, Inc. (now Teledex, Inc.), together with royalties accrued thereunder. This return shall not be deemed to include the rights of any licensees under the above patents.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on June 17, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-5030; Filed, June 22, 1949; 8:54 a. m.]